



## AGENDA

### SPC ON UTILITIES AND CORPORATE SERVICES

February 19, 2020, 9:30 AM  
IN THE COUNCIL CHAMBER  
Members

Councillor W. Sutherland, Chair  
Councillor P. Demong, Vice-Chair  
Councillor G. Chahal  
Councillor D. Colley-Urquhart  
Councillor D. Farrell  
Councillor R. Jones  
Councillor S. Keating  
Mayor N. Nenshi, Ex-Officio

1. CALL TO ORDER
2. OPENING REMARKS
3. CONFIRMATION OF AGENDA
4. CONFIRMATION OF MINUTES
  - 4.1 Minutes of the Standing Policy Committee on Utilities and Corporate Services, 2020 January 29
5. CONSENT AGENDA
  - 5.1 DEFERRALS AND PROCEDURAL REQUESTS  
None
  - 5.2 BRIEFINGS  
None
6. POSTPONED REPORTS  
*(including related/supplemental reports)*  
None
7. ITEMS FROM OFFICERS, ADMINISTRATION AND COMMITTEES

7.1 Proposed Encroachment Bylaw to Replace Encroachment Policy CS008, UCS2020-0228

8. ITEMS DIRECTLY TO COMMITTEE

8.1 REFERRED REPORTS  
None

8.2 NOTICE(S) OF MOTION  
None

9. URGENT BUSINESS

10. CONFIDENTIAL ITEMS

10.1 ITEMS FROM OFFICERS, ADMINISTRATION AND COMMITTEES

10.1.1 Summary of Green Line Real Property Transactions for the Fourth Quarter 2019, UCS2020-0229  
Report held confidential pursuant to Sections 23 (Local public body confidences), 24 (Advice from officials), and 25 (Disclosure harmful to economic and other interests of a public body) of the *Freedom of Information and Protection of Privacy Act*, until the Report is published in the Council Agenda.

Attachments held confidential pursuant to Sections 23 (Local public body confidences), 24 (Advice from officials), and 25 (Disclosure harmful to economic and other interests of a public body) of the *Freedom of Information and Protection of Privacy Act*.

**Review Date: 2029 February 12.**

10.1.2 Summary of Real Estate Transactions for the Third Quarter 2019, UCS2020-0230  
Recommendation, Report, and Attachments held confidential pursuant to Sections 23 (Local public body confidences), 24 (Advice from officials), and 25 (Disclosure harmful to economic and other interests of a public body) of the *Freedom of Information and Protection of Privacy Act*.

**Review Date: 2020 April 06.**

10.2 URGENT BUSINESS

11. ADJOURNMENT

Members of Council may participate remotely, if required



## MINUTES

### SPC ON UTILITIES AND CORPORATE SERVICES

**January 29, 2020, 9:30 AM  
IN THE COUNCIL CHAMBER**

PRESENT: Councillor W. Sutherland, Chair  
Councillor P. Demong, Vice-Chair  
Councillor G. Chahal  
Councillor D. Colley-Urquhart  
Councillor D. Farrell  
Councillor S. Keating (Participated Remotely)

ABSENT Councillor R. Jones (Personal)

ALSO PRESENT: A/General Manager C. Arthurs  
General Manager D. Limacher  
Legislative Advisor D. Williams  
Legislative Advisor A. de Groot

1. CALL TO ORDER

Councillor Sutherland called the Meeting to order at 9:32 a.m.

2. OPENING REMARKS

No opening remarks were given.

3. CONFIRMATION OF AGENDA

**Moved by** Councillor Demong

That the Agenda for the 2020 January 29 Regular Meeting of the Standing Policy Committee on Utilities and Corporate Services be confirmed.

**MOTION CARRIED**

4. CONFIRMATION OF MINUTES

4.1 Minutes of the Regular Meeting of the Standing Policy Committee on Utilities and Corporate Services, 2019 December 18

**Moved by** Councillor Demong

That the Minutes of the 2019 December 18 Regular Meeting of the Standing Policy Committee on Utilities and Corporate Services be confirmed.

**MOTION CARRIED**

5. CONSENT AGENDA

**Moved by** Councillor Demong

5.1 DEFERRALS AND PROCEDURAL REQUESTS

5.1.1 Report on Notice of Motion C2019-0129 (Extended Producer Responsibility), UCS2020-0150

Request for deferral of Report on Extended Producer Responsibility from 2020 January 29 Regular Meeting of the Standing Policy Committee on Utilities and Corporate Services to **2020 March 18**.

5.2 BRIEFINGS

None

**MOTION CARRIED**

6. POSTPONED REPORTS

None

7. ITEMS FROM OFFICERS, ADMINISTRATION AND COMMITTEES

7.1 Waste Bylaw Rewrite, UCS2020-0052

**Moved by** Councillor Demong

That the Standing Policy Committee on Utilities and Corporate Services recommend that Council:

1. Give three readings to the proposed Waste Bylaw (Attachment 1).

**MOTION CARRIED**

7.2 Sales, Acquisitions and Leases Environmental (S.A.L.E.) Policy Update and Rescindment, UCS2020-0126

A presentation entitled "Sales, Acquisitions and Leases Environmental (S.A.L.E.) Policy Update and Rescindment" dated 2020 January 29, was distributed with respect to Report UCS2020-0126.

**Moved by** Councillor Farrell

That the Standing Policy Committee on Utilities and Corporate Services recommends that Council:

1. Rescind the Council-approved CS004, Sales, Acquisitions and Leases Environmental (S.A.L.E.) Policy, as provided in Attachment 2.

**MOTION CARRIED**

8. ITEMS DIRECTLY TO COMMITTEE

8.1 REFERRED REPORTS

None

8.2 NOTICE(S) OF MOTION

None

9. URGENT BUSINESS

None

10. CONFIDENTIAL ITEMS

**Moved by** Councillor Demong

That pursuant to Sections 23 (Local public body confidences), 24 (Advice from officials), and 25 (Disclosure harmful to economic and other interests of the public body) of the *Freedom of Information and Protection of Privacy Act*, Committee move into Closed Meeting at 9:55 a.m. in the Council Boardroom to consider confidential matters with respect to the following items:

- 10.1.1 Amendment to Purchase and Sale, Option to Repurchase and Housing Agreements - 3500 17 AV SW, UCS2020-0119;
- 10.1.2 Proposed Method of Disposition, (North Glenmore Park) – Ward 11 (5101 19 ST SW), UCS2020-0121;
- 10.1.3 Proposed Sale, (Bridgeland Riverside) – Ward 09 (634 McDougall RD NE, UCS2020-0122; and
- 10.1.4 Proposed Lease Amendment (Sunalta) – Ward 08 (1920 Pumphouse RD SW), UCS2020-0128.

**MOTION CARRIED**

Committee reconvened in Public Meeting at 10:53 a.m. with Councillor Sutherland in the Chair.

**Moved by** Councillor Farrell

That Committee rise and report.

**MOTION CARRIED**

10.1 ITEMS FROM OFFICERS, ADMINISTRATION AND COMMITTEES

10.1.1 Amendment to Purchase and Sale, Option to Repurchase and Housing Agreements - 3500 17 AV SW, UCS2020-0119

People in attendance during the Closed Meeting discussions with respect to Report UCS2020-0119:

Clerks: A. Degrood and D. Williams. Law: L. Lau. Advice: C. Arthurs, S. McClurg, C. Berry, and S. Woodgate. Observers: F. Snyders, R. Auclair, J. Halfyard, A. DeCaria, and B. Irvine.

A confidential presentation was distributed with respect to Report UCS2020-0119.

**Moved by** Councillor Colley-Urquhart

That the Standing Policy Committee on Utilities and Corporate Services recommends that Council:

1. Authorize the Recommendations as outlined in Attachment 2;
2. Direct that Report UCS2020-0119 be forwarded as an item of Urgent Business to the 2020 February 03 Combined Meeting of Council; and
3. Direct the Recommendations, Report and Attachments remain confidential pursuant to Sections 23 (Local public body confidences), 24 (Advice from officials) and 25 (Disclosure harmful to economic and other interests of a public body) of the *Freedom of Information and Protection of Privacy Act*.

**MOTION CARRIED**

10.1.2 Proposed Method of Disposition (North Glenmore Park) – Ward 11 (5101 19 ST SW), UCS2020-0121

People in attendance during the Closed Meeting discussions with respect to Report UCS2020-0121:

Clerks: A. Degrood and D. Williams. Law: L. Lau. Advice: C. Arthurs and T. Benson. Observers: F. Snyders, C. Berry, R. Auclair, S. McClurg, and J. Halfyard.

**Moved by** Councillor Farrell

That the Standing Policy Committee on Utilities and Corporate Services recommends that Council:

1. Authorize the Recommendations as outlined in Attachment 2;
2. Direct that the Recommendations, Report and Attachments 1, 2 and 3 remain confidential pursuant to Sections 23 (Local public body confidences), 24 (Advice from officials) and 25 (Disclosure harmful to economic and other interests of a public body) of the *Freedom of Information and Protection of Privacy Act* until the sale transaction is closed; and
3. Direct that Attachments 4 and 5 remain confidential pursuant to Sections 23 (Local public body confidences), 24 (Advice from officials) and 25 (Disclosure harmful to economic and other interests of a public body) of the *Freedom of Information and Protection Privacy Act*.

**MOTION CARRIED**

10.1.3 Proposed Sale (Bridgeland-Riverside) – Ward 09 (634 McDougall RD NE, UCS2020-0122

People in attendance during the Closed Meeting discussions with respect to Report UCS2020-0122:

Clerks: A. Degrood and D. Williams. Law: L. Lau. Advice: C. Arthurs, S. McClurg, and C. Berry. Observers: F. Snyders, M. Sciore, R. Auclair, T. Benson, and J. Halfyard.

**Moved by** Councillor Chahal

That the Standing Policy Committee on Utilities and Corporate Services recommends that Council:

1. Direct that report UCS2020-0122 be forwarded as an item of Urgent Business to the 2020 February 03 Combined Meeting of Council.
2. Authorize the Recommendations as outlined in Attachment 2; and
3. Direct the Report, Recommendations, and Attachments remain confidential pursuant to Sections 23 (Local public body confidences), 24 (Advice from officials) and 25 (Disclosure harmful to economic and other interests of a public body) of the *Freedom of Information and Protection of Privacy Act*.

**MOTION CARRIED**

10.1.4 Proposed Lease Amendment (Sunalta) – Ward 08 (1920 Pumphouse RD SW), UCS2020-0128

People in attendance during the Closed Meeting discussions with respect to Report UCS2020-0128:

Clerks: A. Degrood and D. Williams. Law: L. Lau. Advice: C. Arthurs, J. Halfyard, and C. Berry. Observers: F. Snyders, R. Auclair, S. McClurg, and R. Dupuis.

**Moved by** Councillor Chahal

That the Standing Policy Committee on Utilities and Corporate Services recommends that Council:

1. Authorize the Recommendations as outlined in Attachment 2; and
2. Direct the Recommendations, Report and Attachments remain confidential pursuant to Sections 23 (Local public body confidences), 24 (Advice from officials) and 25 (Disclosure harmful to economic and other interests of a public body) of the *Freedom of Information and Protection of Privacy Act* until the lease amending agreement is executed.

**MOTION CARRIED**

10.2 URGENT BUSINESS

None

11. ADJOURNMENT

**Moved by** Councillor Farrell

That this meeting adjourn at 10:57 a.m.

**MOTION CARRIED**

The following items have been forwarded to the 2020 February 03 Combined Meeting of Council:

CONFIDENTIAL URGENT BUSINESS

- Amendment to Purchase and Sale, Option to Repurchase and Housing Agreements - 3500 17 AV SW, UCS2020-0119
- Proposed Sale (Bridgeland-Riverside) - Ward 09 (634 McDougall RD NE, UCS2020-0122)

The following item has been forwarded to the 2020 February 24 Combined Meeting of Council:

CONSENT

- Sales, Acquisitions and Leases Environmental (S.A.L.E) Policy Update and Rescindment, UCS2020-0126

CONFIDENTIAL CONSENT

- Proposed Method of Disposition (North Glenmore Park) - Ward 11 (5101 19 ST SW), UCS2020-0121
- Proposed Lease Amendment (Sunalta) - Ward 08 (1920 Pumphouse RD SW), UCS2020-0128

COMMITTEE REPORTS

- Waste Bylaw Rewrite, UCS2020-0052

The next Regular Meeting of the Standing Policy Committee on Utilities and Corporate Services is scheduled to be held 2020 February 19, at 9:30 a.m.

CONFIRMED BY COMMITTEE ON

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CHAIR

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ACTING CITY CLERK



Deputy City Manager's Office Report to  
SPC on Utilities and Corporate Services  
2020 February 19

ISC: UNRESTRICTED  
UCS2020-0228

## **Proposed Encroachment Bylaw to Replace Encroachment Policy CS008**

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### **EXECUTIVE SUMMARY**

On 2019 July 29, through UCS2019-0914, Administration provided an update to Council on its review of the Council approved corporate Encroachment Policy CS008 (the "Encroachment Policy"). The update included Administration's recommendation to replace the Encroachment Policy with a proposed Encroachment Bylaw. Replacing the Encroachment Policy with a proposed Encroachment Bylaw will enable The City of Calgary ("The City") to: authorize more minor encroachments on certain City-owned land, streets and easements; better ensure utility provider and City infrastructure access, safety and service delivery; better ensure public access to and enjoyment of lands intended for public use, such as City parks; better position Administration to enforce its encroachment rules and regulations; and align Calgary with the practices of other comparable municipalities in Canada. For clarity, generally speaking a minor encroachment can be defined as an encroachment that does not adversely affect The City's or a utility provider's ability to access, maintain and provide safe and effective services to the citizens of Calgary; and an encroachment that does not restrict public access to and enjoyment of lands intended for public use, such as City parks. Administration's recommendations in UCS2019-0914 were approved by Council.

On 2020 February 10, through report ALT2020-0162, Administrative Leadership Team approved Administration's recommendations by endorsing the rescindment of the Encroachment Policy and directing that the proposed Encroachment Bylaw go to Council for three readings through the SPC on Utilities and Corporate Services.

Through this report, Administration is seeking Council approval to rescind Encroachment Policy CS008 and replace it with the proposed Encroachment Bylaw shown in Attachment 1.

#### **ADMINISTRATION RECOMMENDATION:**

That the Standing Policy Committee on Utilities and Corporate Services recommends that Council:

1. Give three readings to the proposed Encroachment Bylaw (Attachment 1); and
2. Rescind Encroachment Policy CS008 (Attachment 2).

### **PREVIOUS COUNCIL DIRECTION / POLICY**

On 2019 July 29, Council approved UCS2019-0914 – Encroachment Policy CS008 Review – Update and directed Administration to firstly, prepare and bring forward a proposed Encroachment Bylaw to Council for three readings through the SPC on Utilities and Corporate Services and the Administrative Leadership Team to replace Encroachment Policy CS008 by Q4 2019; and secondly, to amend other City Bylaws, as required, that contain rules around encroachments on City-owned land, rights-of-way and easements to align with the proposed Encroachment Bylaw by Q4 2019, which were both deferred at the request of Administration to Q1 2020.

At the 2017 July 31 Combined Meeting of Council, Council carried an Administrative Inquiry regarding an Encroachment Policy Amendment Request.

The current Encroachment Policy CS008 was approved by Council effective 1996 July 01 and amended 1998 February 23.

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SPC on Utilities and Corporate Services  
2020 February 19

ISC: UNRESTRICTED  
UCS2020-0228

## **Proposed Encroachment Bylaw to Replace Encroachment Policy CS008**

### **BACKGROUND**

In 2019, Administration initiated a review of the Encroachment Policy to align with Council Policy Program CC046. The review had three primary objectives: to ensure the Encroachment Policy aligned with current business practices and standards, to ensure policy alignment with municipal best practices and to look for opportunities to improve the policy. As a result of the policy review findings, Administration brought forward an update report to Council on 2019 July 29 with a recommendation to replace the current Encroachment Policy with a proposed Encroachment Bylaw. Administration identified two major opportunities resulting from the replacement of the Encroachment Policy with a proposed Encroachment Bylaw. These opportunities include an opportunity for The City to authorize more minor encroachments on certain City-owned land, streets and easements, and the opportunity to better position The City to enforce its encroachment rules and regulations. In addition, the proposed Encroachment Bylaw will better ensure utility provider and City infrastructure access, safety and service delivery, and public access to and enjoyment of lands intended for public use, such as City parks.

Through this report, Administration is seeking Council approval to rescind Encroachment Policy CS008 and replace it with the proposed Encroachment Bylaw shown in Attachment 1.

### **INVESTIGATION: ALTERNATIVES AND ANALYSIS**

To ensure consistency in enforcement of encroachments across The City, Administration has prepared the proposed Encroachment Bylaw, shown in Attachment 1, which covers encroachments onto all City-owned land, streets and easements (including utility rights-of-way and overland drainage easements). The proposed Encroachment Bylaw will be supported by a set of proposed Encroachment Guidelines (the "Guidelines"), shown in Attachment 3, and the proposed Application and Encroachment Fee Schedule (the "Fee Schedule"), shown in Attachment 4. The proposed Guidelines and Fee Schedule were prepared by Real Estate & Development Services in order to guide its decision making with respect to encroachments onto City-owned land, streets and easements. If the proposed Encroachment Bylaw is approved, the proposed Guidelines and Fee Schedule will come into effect immediately.

A number of improvements were made to The City's encroachment rules within the proposed Encroachment Bylaw, Guidelines, and Fee Schedule. The key features of each have been summarized below.

#### **Proposed Encroachment Bylaw:**

The proposed Bylaw:

- Will enable The City to approve more minor encroachments onto certain City-owned land, streets and easements. The current Encroachment Policy does not permit new encroachments onto City-owned land, streets or easements that were constructed after the policy went into effect on 1996 July 01; the proposed Encroachment Bylaw will eliminate this restriction;
- Will increase The City's ability to enforce its encroachment rules and regulations. For example, the proposed Encroachment Bylaw will require every citizen who is encroaching onto City-owned land, streets or easements to formalize the encroachment with The City or remove the encroachment. While this is currently a requirement of the Encroachment Policy, the difference in the proposed Encroachment Bylaw is that if a person refuses to comply with any requirement under the Bylaw, their refusal would be

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**Proposed Encroachment Bylaw to Replace Encroachment Policy CS008**

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considered an offence and subject to Bylaw enforcement action, including fines and remedial orders;

- Aligns with the practices of other comparable cities in Canada who have their encroachment rules contained within city bylaws including, but not limited to, the cities of Edmonton, Ottawa, Toronto and Vancouver;
- Includes consequential amendments to Parks and Pathways Bylaw 11M2019, Streets Bylaw 20M88 and Real Property Bylaw 52M2009 to ensure alignment with these City bylaws; and
- Will enable the Manager, Land & Asset Management to establish the Guidelines and the Fee Schedule, and to update these documents as necessary from time to time. This proposed authority aligns with the current delegation authorities granted to the Manager, Land & Asset Management with respect to encroachments within Real Property Bylaw 52M2009. This is a major benefit to The City as it enables Administration to more readily respond to the changing needs of not only City business units and utility providers, but also the citizens of Calgary.

**Encroachment Guidelines:**

The proposed Guidelines are a public facing document that will be used by the Encroachment's team in Real Estate & Development Services to guide its decisions with respect to encroachments onto City-owned land, streets and easements. The Guidelines have been written in consultation with all affected City business units and internal and external utility providers. The Guidelines have been written in plain language, to make it easier for both Administration and citizens to understand The City's encroachment rules and regulations. The Guidelines largely mirror the guidelines set out in the current Encroachment Policy and are consistent with current business practices and standards. The major difference between the proposed Guidelines and the current Encroachment Policy is that The City will now consider certain new minor encroachments onto City-owned land, streets and easements for approval.

Under the proposed Encroachment Bylaw, the Manager, Land & Asset Management will have the authority to approve and update both the proposed Guidelines and Fee Schedule from time to time as required. As previously mentioned, this proposed authority aligns with the current delegation authorities granted to the Manager, Land & Asset Management with respect to encroachments within Real Property Bylaw 52M2009.

Key features of the proposed Guidelines include:

- Ensuring that encroachments do not adversely affect The City's or a utility provider's ability to access, maintain and provide safe and effective services to the citizens of Calgary;
- Ensuring that encroachments do not restrict public access to and enjoyment of lands intended for public use, such as City parks;
- Identifying how Administration will handle encroachments into different types of City properties and interests such as encroachments into parks, non-park land, streets, utility rights-of-way, overland drainage easements, and other easements;
- Identifying which encroachments require engagement with (circulation to) City business units and utility providers for approval, and which minor encroachments can be authorized by Real Estate & Development Services without circulation;
- Outlining the Fee Schedule, how total fees are calculated and where citizens can find an up to date Fee Schedule; and

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- Identifying how the encroachment rules will be enforced and how Administration will handle complaints.

**Application and Encroachment Fees:**

The City's encroachment fees were last set in 1996 and have not changed in over twenty years. The current fees for City encroachment agreements fall into one of three categories:

1. Schedule "A" encroachments which cost \$35 plus GST:
  - Schedule "A" encroachments represent the most minor types of encroachments into a City street or utility right of way; for example a fence enclosure encroaching into a street by less than 0.34m. Administration's review and approval of Schedule "A" encroachment applications typically does not require consultation with (circulation to) other City business units and/or utility providers.
2. Schedule "B" encroachments which cost \$200 plus GST:
  - Schedule "B" encroachments represent a few specific types of encroachments into a City street or utility right of way, such as minor eave and building footing encroachments. Schedule "B" encroachments represent a small percentage of the encroachment applications Administration reviews and approves.
3. Schedule "C" with approved circulation encroachments which cost \$500 plus GST:
  - Schedule "C" encroachments represent all other types of encroachments that do not fall into the category of Schedule "A" or "B" encroachments. Administration's review and approval of Schedule "C" encroachments requires consultation with (circulation to) other City business units and/or utility providers.

Schedule "A" and Schedule "C" encroachments represent the most frequent types of encroachments The City approves. There are a couple important facts to note with respect to The City's current practice pertaining to both Schedule "A" and Schedule "C" encroachments.

With respect to Schedule "A" encroachments, The City historically has not charged a fee for Schedule "A" encroachments. As the Encroachment's team is a full cost recovery section within our business unit, Administration relies upon fees to cover staff salary and wages and all other administrative costs for the section. Administration is proposing to introduce a fee for Schedule "A" encroachments in order to ensure we are recovering our cost to review and approve these types of encroachments.

With respect to Schedule "C" encroachments, The City has charged a flat fee of \$500 plus GST, regardless of the type or extent of the encroachment, since the Encroachment Policy went into effect in 1996. This means that someone who has a fence encroaching by several metres into City-owned land or a street has been paying the same encroachment fee as someone who is encroaching by just over a foot into the same. This is an inequity that Administration is proposing to change by increasing our encroachment fees where encroachments are greater than one (1) metre into City-owned land (non-park land) or streets. This practice is consistent with the practices of other municipalities including, but not limited to, the cities of Edmonton, Ottawa, Toronto and Vancouver whose fees are based on the type and extent of the encroachment.

In addition to the proposed changes mentioned above, Administration is proposing a few more changes to our encroachment fee structure including:

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- Dividing encroachment fees into application fees and encroachment fees. The application fee represents the staff time and cost to review and approve encroachment applications; and the encroachment fee represents the cost to citizens to use and occupy City-owned land, streets and easements for private encroachments. Total fees are calculated as the application fee plus the encroachment fee plus GST and any applicable municipal property taxes. This proposed re-structuring of fees aligns with the practices of other comparable municipalities including, but not limited to, the cities of Edmonton, Ottawa, Toronto and Vancouver;
- Eliminating the encroachment fee for encroachments constructed before the Encroachment Policy went into effect on 1996 July 01. To align with Council direction in its 2017 July 31 Administrative Inquiry with respect to an Encroachment Policy Amendment request, Administration is proposing to only charge an application fee with respect to applications for encroachments that existed prior to the Encroachment Policy being established on 1996 July 01. This will ensure that citizens who have pre-1996 July 01 encroachments are only paying for the cost of staff reviewing and approving an encroachment, not for the encroachment itself;
- Increasing the cost of encroachments for multi-family, commercial, retail and industrial property encroachments. We are proposing to increase the fees for these types of encroachments to account for the increased staff time and effort to review these types of encroachment applications, and to account for the often larger types of encroachments seen; and
- Adding of a fee for reviewing and approving withdrawal and discharge of City utility rights-of-way requests. Many of these requests originate out of our Encroachments section when owners want to seek approval from The City to discharge a City utility right-of-way off of their title to avoid having to enter into an encroachment agreement with The City. Currently staff are reviewing, circulating, approving and discharging these utility right-of-way agreements at no charge, however there is a cost that the business unit is absorbing. The cost includes the staff time to review and circulate the request to internal and external utility providers for approval, and the cost to prepare and register the discharge at the Alberta Land Titles Office. Administration is proposing to recover the costs of processing these types of requests.

The fees proposed in the Fee Schedule represent a very modest change from the current encroachment fees under the Encroachment Policy. Most of the fee increases are the result of a fee restructuring that will see owners with larger encroachments onto City-owned land, streets and easements paying more than an owner with a smaller encroachment.

### **Stakeholder Engagement, Research and Communication**

Administration researched the encroachment practices of several other comparable municipalities in Canada including, but not limited to, the cities of Edmonton, Ottawa, Toronto and Vancouver. Through the municipal best practice review, it was determined that all major cities reviewed had their encroachment rules and regulations contained within a city bylaw and had the ability to fine individuals for non-compliance of encroachment rules and regulations.

To date, Administration has also engaged multiple City business units including: Legal Services, Calgary Parks, Water Resources – Development Approvals, Calgary Roads, Water Services – Drainage, Calgary Building Services – Customer Advisory Services, Bylaw Services and City

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## **Proposed Encroachment Bylaw to Replace Encroachment Policy CS008**

Clerks; and two external stakeholders: Enmax Power Corporation and ATCO Gas Ltd. on proposed changes to the Encroachment Policy. No internal City business unit stakeholders identified issues with Administration's recommendation to replace the Encroachment Policy with a proposed Encroachment Bylaw. External stakeholders were consulted on proposed changes to Encroachment Policy, not on Administration's recommendation to replace the Encroachment Policy with a proposed Encroachment Bylaw. All internal and external stakeholders had an opportunity to provide feedback on the proposed Guidelines. Where feedback was received, Administration worked with stakeholders to update the Guidelines accordingly.

If Administration's recommendations are approved, upon replacement of the Encroachment Policy with proposed Encroachment Bylaw, Administration will work with Communications staff to establish a plan to engage citizens and inform them of changes to The City's Encroachment Policy. This would include updates to The City's external website content and may also include further engagement with citizens through other means. Any encroachment applications received before the passing of the proposed Encroachment Bylaw will be honoured at the fees set out in the Encroachment Policy, unless lower in the proposed Fee Schedule. In addition, citizens who are notified that they are required to submit an encroachment application prior to the passing of the proposed Encroachment Bylaw will have one year to submit an application and be eligible for the fees set out in the Encroachment Policy, unless lower in the proposed Fee Schedule.

### **Strategic Alignment**

The proposed recommendations align with Council's priority to have a "well-run city" with an efficient municipal government. The recommendations will also enable Administration to "cut red tape" through a proposed Encroachment Bylaw that is clear, concise and supported by streamlined internal processes.

The proposed Encroachment Bylaw includes consequential amendments to Parks and Pathways Bylaw 11M2019, Streets Bylaw 20M88 and Real Property Bylaw 52M2009 to ensure alignment with these City bylaws.

The proposed Encroachment Bylaw aligns with the recently approved Guiding Principles and direction of the Corporate Land Strategy project. The proposed Encroachment Bylaw provides an implementation approach and the tools to manage specific land challenges:

- Citizen Value: Ensures City-owned land, streets and easements are managed well and continue to provide public benefits and long-term value for all Calgarians;
- Transparent and Accountable Decision-making: Addresses the risks and liabilities to City land and operations in a transparent, fair and accountable manner; and
- Reliable and Flexible: Provides a consistent approach to protecting City property and interests, with flexibility to address varying types and impacts of encroachments.

### **Social, Environmental, Economic (External)**

#### **Social**

Through improved enforcement measures, Administration will mitigate some of the risks associated with its desire to allow more minor encroachments on certain City-owned land, streets and easements. Improvement to The City's enforcement measures should also act as a deterrent to individuals who do not comply with encroachment rules and regulations and

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### **Proposed Encroachment Bylaw to Replace Encroachment Policy CS008**

requests for removal of encroachments off of City land, streets and easements. In addition, the proposed Encroachment Bylaw will better ensure utility provider and City infrastructure access, safety and service delivery, and public access to and enjoyment of lands intended for public use, such as City parks.

Administration is dedicated to providing a citizen centric and business friendly single source of information for all City encroachment rules and regulations.

#### **Environmental**

No implications were identified.

#### **Economic**

Greater enforceability of encroachment rules and regulations will enable The City to better manage encroachments onto City-owned land, streets and easements.

An update to the structure of our encroachment fees will enable greater equity in the charging of fees to owners who are encroaching onto a City property or interest. An update to the encroachment fees will also ensure that Administration is covering the cost of reviewing, circulating and approving all applications for encroachments onto City-owned land, streets and easements.

#### **Financial Capacity**

##### ***Current and Future Operating Budget:***

The Encroachments section in Real Estate & Development Services operates under a self-funded model whereby fees collected for encroachment agreement applications are used in support of staff and operating expenses. It is expected that the proposed Fee Schedule identified in Attachment 4 will result in yearly encroachment fee revenue remaining at least at the average levels seen in 2018 and 2019, assuming the number of applications received in future years is consistent with the numbers received in 2018 and 2019. Administration will review revenues each year to ensure we are recovering our costs and make adjustments to fees where necessary.

##### ***Current and Future Capital Budget:***

Not applicable.

#### **Risk Assessment**

If Administration's recommendations are approved, the risks associated with Administration's desire to allow more minor encroachments on certain City-owned land, streets and easements will be mitigated in part by a corresponding increase in The City's authority to enforce removal of encroachments through the proposed Encroachment Bylaw. The proposed Encroachment Bylaw should reduce the likelihood that encroachments cause issues with The City's or utility provider's ability to maintain and operate safe and effective services for the citizens of Calgary.

There is a risk that there will be opposition from the general public to increased authority around encroachment rules and regulations. To mitigate this risk, Administration will continue to work with Communications staff to ensure that citizens are provided with clear and consistent messaging and information with respect to encroachment rules, regulations and processes.

Deputy City Manager's Office Report to  
SPC on Utilities and Corporate Services  
2020 February 19

ISC: UNRESTRICTED  
UCS2020-0228

### **Proposed Encroachment Bylaw to Replace Encroachment Policy CS008**

Additionally, there is a risk that increased application and encroachment fees for some owners will be unwelcome. Administration's collection of fees for encroachment agreement applications is required in order to support the self-funded model. In addition, changes to the fee structure will ensure that owners who have larger encroachments onto City-owned land and interests are paying a higher fee for the use of City-owned land and interests than owners with smaller encroachments into same.

If Administration's recommendations are not approved, Administration will proceed with the work required to update the Encroachment Policy. Without a City bylaw in place to enforce removal of encroachments off of all types of City-owned land and interests, there is a greater risk to The City of having to go through lengthy and costly legal proceedings to enforce encroachment removals, having reduced utility provider and City infrastructure access and safety, and having to undertake removal costs at The City's expense. There is also a risk of inconsistency in decision making and confusion amongst both citizens and City staff as encroachment rules and regulations will continue to be documented in multiple bylaws and a corporate Encroachment Policy.

#### **REASON(S) FOR RECOMMENDATION(S):**

Administration recommends rescinding Encroachment Policy CS008 and replacing it with the proposed Encroachment Bylaw shown in Attachment 1 to enable The City to authorize more minor encroachments on certain City-owned land, streets and easements, and better position Administration to enforce its encroachment rules and regulations. It will also align Calgary with the practices of other comparable municipalities.

#### **ATTACHMENT(S)**

1. Attachment 1 – Proposed Text for a new Encroachment Bylaw
2. Attachment 2 – Encroachment Policy CS008
3. Attachment 3 – Proposed Encroachment Guidelines
4. Attachment 4 – Proposed Application and Encroachment Fees



**Proposed Text for a new Encroachment Bylaw**

**PART I –**  
**GENERAL PROVISIONS**

**Short Title**

1. This Bylaw may be cited as the "Encroachment Bylaw".

**Definitions**

2. In this Bylaw, unless context otherwise requires, the term:
  - (a) "*Act*" means the *Municipal Government Act*, RSA 2000, c M-26, as amended;
  - (b) "*certificate of title*" means the record of the title to land that is maintained by the Registrar as defined in the *Land Titles Act*, RSA 2000, c L-4;
  - (c) "*City*" means the municipal corporation of The City of Calgary or the area contained within the boundaries of Calgary, Alberta where the context so requires;
  - (d) "*City-owned land*" means any land owned by the *City* for which a *certificate of title* has been obtained or any interest in land that vests in the *City* by virtue of the *Act* or other legislation and includes *park* or *reserve land*;
  - (e) "*City property or interest*" means any of *City-owned land*, *street*, or *easement* and anything included in the definition of one of those terms;
  - (f) "*developer fence*" means a *fence* installed under a subdivision development agreement which is usually of a consistent style and is continuous along two or more lots and includes a *fence* that provides a buffer from a major or higher standard road or is used to separate a parcel or parcels of land from a *park* or public open space;
  - (g) "*Director, Calgary Parks*" has the same meaning as in the Parks and Pathways Bylaw 11M2019;
  - (h) "*easement*" means any easement granted to the *City* for any purpose and includes *utility rights-of-way* and *overland drainage easements* and which are registered on a *certificate of title*, by a registered plan under the *Land Titles Act*, RSA 2000, c L-4 by description or by caveat and documented by an *easement* agreement;
  - (i) "*encroachment*" means anything *placed* with a fixed location on the ground or attached to something having a fixed location on the ground that extends on, over, or under a *City property or interest*, including the immediate airspace, and includes, but is not limited to, the following:

- i. improvements as defined in the Alberta Land Surveyors' Association Manual of Standard Practice, 2019, as amended from time to time;
  - ii. buildings and all projections including eaves, cantilevers or similar and siding;
  - iii. sheds, including those attached to a dwelling or *fence*;
  - iv. *fences*;
  - v. asphalt, concrete or brick sidewalks, curbs, parking pads, driveway aprons or driveways;
  - vi. structures such as decks, stairs, patios, pergolas, gazebos or similar;
  - vii. extension of adjacent lands by fill;
  - viii. *walls*;
  - ix. swimming pools and hot tubs;
  - x. shrubs, hedges, trees or other organic landscape materials; and
  - xi. hard landscaping including, but not limited to, structures, fire pits, planters or similar;
- but does not include sound attenuation structures required by the *City*;
- (j) "*encroachment agreement*" means an encroachment agreement or license of occupation entered into pursuant to the Real Property Bylaw 52M2009 to approve an *encroachment* being *placed*;
  - (k) "*encroachment consent letter*" means a letter issued by the *City* to an *owner* consenting to an *encroachment* subject to the terms and conditions set out in the letter;
  - (l) "*fence*" means any barrier, railing, or upright structure typically made of wood, metal, or glass, that encloses an area or marks a boundary and includes a *developer fence* but does not include a *wall*;
  - (m) "*Manager, Land & Asset Management*" means the *City* employee appointed to the position of Manager, Land & Asset Management or that person's designate;
  - (n) "*officer*" means a bylaw enforcement officer appointed pursuant to Bylaw 60M86, a peace officer appointed pursuant to the *Peace Officer Act*, SA 2006, c P-3.5, or a police officer under the *Police Act*, RSA 2000, c P-17;
  - (o) "*overland drainage easement*" means a *City easement* for the construction, operation, inspection, maintenance, repair and replacement of any facility or facilities for the drainage or control of storm water including, but not limited to:
    - i. a grass swale;
    - ii. a concrete or asphalt walkway, gutter, or swale;
    - iii. a drainage control *fence* or structure; and

- iv. the sloping and contouring of land to facilitate the drainage or control of storm water;
- (p) “owner” means a *person* shown as an owner of a property on a *certificate of title*, and, in relation to a specific *encroachment*, is the *person* whose property:
  - i. is encumbered by a *City property or interest* upon which the *encroachment* is *placed* in whole or in part;
  - ii. benefits from the *encroachment placed* upon an adjacent *City property or interest*; or
  - iii. the *encroachment* originates from;
- (q) “park” means a public space controlled by the *City* and set aside as a *park* to be used for rest, recreation, exercise, pleasure, amusement, cultural heritage, education, appreciation of nature, and enjoyment and includes:
  - i. playgrounds;
  - ii. cemeteries;
  - iii. natural areas;
  - iv. sports fields;
  - v. pathways;
  - vi. trails; and
  - vii. park roadways;but does not include golf courses;
- (r) “person” means an individual or a business entity including a firm, partnership, association, corporation or society;
- (s) “place” or “placed” means any type of action taken to construct, create, erect, or build, or cause to be constructed, created, erected, or built, a portion or all of an *encroachment* and includes any act of planting or gardening;
- (t) “reserve land” means any parcel designated as Municipal Reserve, Environmental Reserve, Municipal and School Reserve, School Reserve, Conservation Reserve or Community Services Reserve, as defined in the *Act*, or designated as “reserve” as defined by any former Planning Acts, including, but not limited to the former *The Planning Act* RSA 1970 c 276 and *The Planning Act* SA 1977 c 89 or noted as Community Reserve on a *certificate of title*;

- (u) “*restrictive covenant*” means an agreement that restricts the use or occupancy of a property;
- (v) “*sign*” means an inscribed board, bill, placard, poster, banner, flag or device which is intended to promote anything or inform anyone;
- (w) “*street*” means any thoroughfare, highway, road, roadway, trail, avenue, parkway, driveway, viaduct, lane, alley, square, bridge, causeway, trestleway, or other place, any part of which the public is ordinarily entitled or permitted to use for the passage or parking of vehicles and includes sidewalks, ditches, and boulevards;
- (x) “*utility provider*” means the *City* or a third party utility provider that operates one or more of the following: water, sewer, electrical distribution and/or transmission lines, thermal or other energy services, telecommunication lines, shallow utilities, oil and natural gas lines, or transit infrastructure and who has authority to access and use a *utility right-of-way* to construct, install, maintain, repair, replace and operate its utility infrastructure pursuant to the Municipal Rights-of-Way Bylaw 17M2016 and/or pursuant to a *utility right-of-way agreement*;
- (y) “*utility right-of-way*” means a utility right-of-way that contains any *utility provider* lines, systems, infrastructure or other facilities relating to any one or more of the following, which is registered on the *certificate of title*, by a registered plan pursuant to the *Land Titles Act*, RSA 2000, c L-4 or by description and documented by a *utility right-of-way agreement* granted to the *City* for:
  - i. systems for the production or distribution of gas, whether artificial or natural;
  - ii. the distribution or transmission of electricity, telephone, cable, television or telecommunications;
  - iii. transit infrastructure;
  - iv. facilities for storage, transmission, treatment, distribution or supply of water;
  - v. facilities for the collection, treatment, movement or disposal of sanitary sewage, including but not limited to pipes, force mains, and pumping stations; and
  - vi. the drainage, collection, treatment, movement or disposal of storm water, including but not limited to collections devices, drainage swales, pipes, pumping stations, storm water ponds and wetlands, except those facilities within an *overland drainage easement*, that are regulated under Drainage Bylaw 37M2005;
- (z) “*utility right-of-way agreement*” means an agreement documenting a *utility right-of-way* granted to the *City* for the construction, installation, maintenance, repair, replacement and operation of a *utility provider’s* utility infrastructure;

- (aa) “*wall*” means both structural and non-structural walls including;
  - i. structural support walls, retaining walls or any other walls constructed for a purpose other than aesthetics; and
  - ii. decorative walls constructed of stone or other material erected for the sole purpose of providing a decorative and/or landscape feature;
- (bb) “*written authorization*” means an authorization provided in writing to approve an *encroachment* made by either:
  - i. the *Manager, Land & Asset Management* for *encroachments* onto *City-owned land, streets, or easements*; or
  - ii. the *Director, Calgary Parks* for *encroachments* onto a *park*;

and includes, but is not limited to, an *encroachment agreement*, *encroachment consent letter*, or a stamped Real Property Report.

### Interpretation

- 3. (1) Specific references to laws in this Bylaw are meant to refer to the current laws applicable within the Province of Alberta as at the time this Bylaw was enacted and as they are amended from time to time, including successor legislation.
- (2) Each provision of this Bylaw is independent of all other provisions and if any provision is declared invalid for any reason by a court of competent jurisdiction, all other provisions of this Bylaw remain valid and enforceable.
- (3) In this Bylaw, words in the singular include the plural and words in the plural include the singular.
- (4) Any word used in the definition of *street* in section 2 above and that is not defined in this Bylaw should be read as incorporating the definition of that word set out in the Street Bylaw 20M88.
- (5) In the event of conflict between a provision of this Bylaw and another *City* bylaw, the provision that is the most restrictive in relation to *encroachments* prevails.

### Exclusions and Limitations

- 4. (1) This Bylaw applies to all *encroachments* which currently exist at the time this Bylaw is passed, regardless of when they were first *placed*, as well as all *encroachments placed* after this Bylaw is passed, except for the following which are excluded:
  - (a) *signs* onto a *City property or interest*;
  - (b) *encroachments* onto *restrictive covenants*.

- (2) Nothing in this Bylaw relieves a *person* from complying with any federal or provincial law, other *City* bylaw or any requirement of any lawful permit, order, restriction on a *certificate of title* or license.

**PART II –**  
**PROHIBITIONS AGAINST ENCROACHMENTS**

5. (1) A *person* must not *place* or allow to be *placed* an *encroachment* onto a *City* *property or interest* without the *written authorization* of the *Manager, Land & Asset Management* in respect of that *encroachment*.
- (2) Notwithstanding any other provision in this Bylaw, a *person* must not *place* or allow to be *placed* an *encroachment* onto *reserve land*.
- (3) Notwithstanding any other provision in this Bylaw, a *person* must not *place* or allow to be *placed* an *encroachment* onto a *park* without the *written authorization* of the *Director, Calgary Parks*.
- (4) An *owner* must not allow an *encroachment* to remain onto a *City* *property or interest, reserve land* or *park*, after receiving a removal notice pursuant to Part V.

**PART III –**  
**MANAGER, LAND & ASSET MANAGEMENT AND DIRECTOR, CALGARY PARKS**

**Authority of Manager, Land & Asset Management**

6. The *Manager, Land & Asset Management* may:
- (a) provide *written authorization* for *encroachments* on such terms, conditions, and duration as the *Manager, Land & Asset Management* considers appropriate for the circumstances;
  - (b) decide what form of *written authorization* is appropriate for a particular *encroachment*; and
  - (c) issue rejection letters and removal notices pursuant to Part V of this Bylaw.
7. (1) The *Manager, Land & Asset Management* may approve encroachment guidelines that contain procedures and considerations for receiving and reviewing applications for *encroachments*, including:

- (a) setting out the process and fees for receiving applications for *encroachments* and requirements for the form and content of the applications to be considered complete;
  - (b) specifying factors that may be considered in deciding whether to approve an application for an *encroachment*;
  - (c) setting the amount of one-time, daily, monthly, and/or annual fees or charges for *encroachments*;
  - (d) setting the standard form, terms, and conditions of an *encroachment* application and *written authorization*; and
  - (e) specifying the form and content of rejection letters and removal notices in response to applications for an *encroachment*.
- (2) The *Manager, Land & Asset Management* may amend or revoke all or any part of the encroachment guidelines at any time.
8. The *Manager, Land & Asset Management* may consider the following when deciding whether to approve an application and issue *written authorization*:
- (a) The interests of the *City* and the citizens of Calgary;
  - (b) Whether there is a reason to refuse as set out in section 13; and
  - (c) Any considerations listed in approved encroachment guidelines.
9. Nothing in this Part or any approved encroachment guidelines precludes the *Manager, Land & Asset Management* from including other terms and conditions, varying any standard terms and conditions, or modifying the form and content of a *written authorization*, in any particular case that in the Manager's opinion is necessary for the specific *encroachment* under consideration.
10. The *Manager, Land & Asset Management* may delegate any or all of the powers granted to the *Manager, Land & Asset Management* pursuant to this Bylaw at any time.

#### **Authority of Director, Calgary Parks**

11. (1) The *Director, Calgary Parks* may provide or terminate *written authorization* for an *encroachment* into *parks* on such terms, conditions and duration as the Director considers appropriate.
- (2) The *Director, Calgary Parks* may issue rejection letters and removal notices for an *encroachment* into *parks* pursuant to Part V of this Bylaw.
- (3) The *Director, Calgary Parks* may delegate any or all of the powers granted to the *Director, Calgary Parks* pursuant to this Bylaw at any time.

**PART IV –  
RESPONSIBILITIES OF  
PERSONS PLACING ENCROACHMENTS**

12. (1) Any person who wishes to place an *encroachment* onto a *City property or interest* must file a completed application for an *encroachment* with the *Manager, Land & Asset Management*.
- (2) An owner must file a completed *encroachment* application with the *Manager, Land & Asset Management*.
- (3) An owner must comply with the terms and conditions of any *written authorization*.
- (4) An owner who receives a rejection letter must not place the *encroachment*, and if applicable, must remove any *encroachment* already placed, within thirty (30) days of receiving the letter.
- (5) An owner who receives a notice of removal must remove the *encroachment* and restore the impacted area in accordance with the requirements and timeframe set out in the notice.
- (6) An owner who receives a rejection letter or removal notice must undertake any removal and restoration work at their sole cost and expense.

**PART V –  
DENIAL OF APPLICATIONS, REMOVAL NOTICES, AND  
TERMINATION OF AGREEMENTS**

**Encroachment Application Refused**

13. Notwithstanding anything in this Bylaw, the *Manager, Land & Asset Management* must refuse to approve an *encroachment* application and must issue a rejection letter if, in the *Manager's* opinion, the proposed or existing *encroachment*:
- (a) interferes with the safety of the public, the *City* or a *utility provider*;
  - (b) interferes with the *City's* ability to access, maintain and operate services on the *City property or interest*;
  - (c) interferes with a *utility provider's* ability to access, maintain and operate its utility infrastructure on a *City property or interest*;
  - (d) interferes with the public's ability to access *City-owned land* intended for public use, for its use and enjoyment; or
  - (e) is not in the best interests of the *City* or the citizens of Calgary.



14. (1) Where the *Manager, Land & Asset Management* denies an application for an *encroachment* after receiving a completed encroachment application the *Manager, Land & Asset Management* must issue the applicant a rejection letter.
- (2) A rejection letter must include the *Manager, Land & Asset Management's* reasons for refusing the application.

#### **Termination of Written Authorization**

15. Where the *Manager Land & Asset Management* or the *Director, Calgary Parks* has given notice that it is terminating a *written authorization* entered into under this Bylaw or an *encroachment agreement* or grandfathered *written authorization* entered into prior to this Bylaw being passed, the notice will be sent to the current *owner* and that *owner* must remove the *encroachment* within thirty (30) days.

#### **Notice of Removal**

16. Where the *Manager, Land & Asset Management* or the *Director, Calgary Parks* believes that an *encroachment* exists that should be removed, either may issue a notice to the *owner* requiring one or more of the following;
  - (a) that the *owner* remove the *encroachment* within a certain timeframe;
  - (b) that specific work standards and specifications be met in any demolition, construction, or landscaping done to remove the *encroachment*;
  - (c) that the restoration of the impacted area on the *owner's* property and the *City property or interest* be done to specific standards and specifications to ensure health and safety; and
  - (d) that the *person* doing the removal and restoration have insurance naming the *City* as an additional named insured and has agreed to indemnify the *City* for any losses arising from their work.

### **PART VI –** **OFFENCES, PENALTIES, AND REMEDIAL ORDERS**

#### **Offences**

17. (1) Any *person* who contravenes any provision of this Bylaw by doing any act or thing which the *person* is prohibited from doing, or by failing to do any act or thing the *person* is required to do, is guilty of an offence pursuant to this Bylaw.
- (2) Any *person* who is convicted of an offence pursuant to this Bylaw is liable on summary conviction to a fine not exceeding \$10,000 and in default of payment of any fine imposed, to a period of imprisonment not exceeding six (6) months.

- (3) All violations of this Bylaw which are of a continuing nature will constitute a separate offence for each day the offence continues.
- (4) An *owner* is guilty of an offence referred to in this Bylaw whether they caused or allowed the *encroachment* to be initially *placed*.

### Enforcement

- 18. (1) Where an *officer* believes that a *person* has contravened any provision of this Bylaw, the *officer* may commence proceedings against the *person* by issuing a violation ticket in accordance with the *Provincial Offences Procedure Act*, RSA 2000, c P-34.
- (2) This Section does not prevent any *officer* from issuing a violation ticket requiring a court appearance of the defendant, pursuant to the provisions of the *Provincial Offences Procedures Act*, RSA 2000 c P-24, or from laying an information in lieu of issuing a violation ticket.

### Penalty

- 19. (1) Where there is a specified penalty listed for an offence in Schedule A to this Bylaw, that amount is the specified penalty for the offence.
- (2) Where there is a minimum penalty listed for an offence in Schedule A to this Bylaw, that amount is the minimum penalty for the offence.
- (3) On conviction of an offence that is of a continuing nature, the penalty is the amount set out in Schedule A of this Bylaw in respect of the offence of each day, or part of a day, that the offence continues.
- (4) The levying and payment of any fine or the imprisonment of any period provided in this Bylaw shall not relieve a *person* from the necessity of paying any fees, charges, or costs from which that *person* is liable under the provisions of this Bylaw or any other bylaw.

### Remedial Orders

- 20. (1) Where a *person* has contravened any provision of this Bylaw, a remedial order may be issued by an *officer* requiring the *person* to remedy the contravention pursuant to section 545 of the *Act*.
- (2) A remedial order issued pursuant to section 545 of the *Act* must include the following:
  - (a) indicate the *person* to whom it is directed;

- (b) identify the property to which the remedial order relates by municipal address or legal description;
  - (c) identify the date that it is issued;
  - (d) identify how the *encroachment* fails to comply with this or another bylaw;
  - (e) identify the specific provisions of the Bylaw that is being contravened;
  - (f) identify the nature of the remedial action required to be taken to bring the property into compliance;
  - (g) identify the time within which the remedial action must be completed;
  - (h) indicate that if the required remedial action is not completed within the time specified, the *City* may take whatever action or measures are necessary to remedy the contravention;
  - (i) indicate that the expenses and costs of any action or measures taken by the *City* under this Section are an amount owing to the *City* by the *person* to whom the order is directed pursuant to section 549(3) of the *Act*;
  - (j) indicate that the expenses and costs referred to in this section may be attached to the tax roll of the owner's property if such costs are not paid by a specified time;
  - (k) indicate that an appeal lies from the remedial order to the License and Community Standards Appeal Board, if a notice of appeal is filed in writing with the City Clerk within fourteen days of the receipt of the remedial order.
- (3) A remedial order issued pursuant to this Bylaw may be served:
- (a) in the case of an individual:
    - i. by delivering it personally to the individual;
    - ii. by leaving it for the individual at their apparent place of residence with someone who appears to be at least 18 years of age;
    - iii. by delivering it by registered mail to the individual at their apparent place of residence; or
    - iv. by delivering it by registered mail to the last address of the individual who is to be served as shown on the records of the Registrar of Motor Vehicle Services in Alberta;
  - (b) in the case of a corporation:

- i. by delivering it personally to a director or officer of the corporation;
  - ii. by delivering it personally to any *person* apparently in charge of an office of the corporation at the address held out by the corporation to be its address; or
  - iii. by delivering it by registered mail addressed to the registered office of the corporation.
- (4) If, in the opinion of a *person* serving a remedial order, service of the remedial order cannot be reasonably effected, or if the *person* serving the remedial order believes that the *owner* of the property is evading service, the *person* serving the remedial order may post the remedial order:
- (a) at a conspicuous place on the property to which the remedial order relates;
  - (b) at the private dwelling place of the *owner* of the property to which the remedial order relates, as shown on a *certificate of title* pursuant to the *Land Titles Act* RSA 2000, c L-4 or on the municipal tax roll; or
  - (c) at any other property owned by the *owner* of the property to which the remedial order relates, as shown on a *certificate of title* pursuant to the *Land Titles Act* RSA 2000, c L-4 or shown on the municipal tax roll;
- and the remedial order shall be deemed to be served upon the expiry of 3 days after the remedial order is posted.
- (5) A *person* who fails to comply with a remedial order within the time set out in the remedial order commits an offence.
- (6) Where the *City* effects a remedial order, *City* employees and agents may enter an *owner's* property upon reasonable notice to undertake the removal and restoration work.
- (7) The *owner* of a parcel is liable to the *City* for any costs and expenses related to the removal of an *encroachment* or other measures taken by the *City* to remedy a contravention of this Bylaw and such costs and expenses become a debt owing to the *City* and may be added to the tax roll of the *owner's* parcel where the contravention occurred on a part of the *owner's* parcel.

## **PART VII –** **TRANSITIONAL PROVISIONS AND CONSEQUENTIAL AMENDMENTS**

### **Grandfathering**

21. (1) *Written authorization* provided prior to the passing of this Bylaw remains valid provided that the current *owner* continues to comply with the terms and conditions of the *written authorization*.

- (2) Should a grandfathered *written authorization* be terminated an *officer* may issue remedial orders pursuant to this Bylaw requiring that the *encroachment* be removed or take any other enforcement steps necessary.

### Consequential Amendments

22. (1) Street Bylaw 20M88, as amended, is hereby further amended by deleting section 56.1(2) that states, "The Director, Roads may, with the approval of City Council, from time to time, specify the fees to be charged for authorization of *encroachments*, including application or license fees."
- (2) The Real Property Bylaw 52M2009, as amended, is hereby further amended by deleting the words "corporate policy on *encroachments*" in section 7(1)(e) and replacing it with the phrase "Encroachment Bylaw".
- (3) The Parks and Pathways Bylaw 11M2019, as amended, is hereby further amended by deleting section 27 that states, "A *person* must not encroach onto a *park* without express permission from the *Director, Calgary Parks*."
- (4) The Parks and Pathways Bylaw 11M2019, as amended, is hereby further amended by deleting, under the headings indicated, the following from Schedule "A":

Section	Offence	<u>Minimum Penalty</u>	<u>Specified Penalty</u>
"27"	Encroach on a park	\$750	\$1500.00"

### Coming Into Force

23. This Bylaw comes into force on the day it is passed.

**SCHEDULE “A”**

**MINIMUM AND SPECIFIED PENALTIES**

<b><u>Section</u></b>	<b><u>Offence</u></b>	<b><u>Minimum Penalty</u></b>	<b><u>Specified Penalty</u></b>
5(1) 5(2) 5(3)	Unauthorized <i>encroachments</i>	\$750	\$1500
12(3)	Failure to comply with terms and conditions	\$200	\$500
5(4) 12(4) 12(5)	Failure to remove <i>encroachment</i>	\$750	\$1500



THE CITY OF  
**CALGARY**  
*Proudly serving a great city*

## COUNCIL POLICY

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**Policy Title:** **Encroachment Policy**  
**Policy Number:** **CS008**  
**Report Number:** **OE96-36, OE97-38, OE98-31**  
**Approved by:** **City Council**  
**Effective Date:** **1996 July 1 and amended 1998 February 23**  
**Business Unit:** **Corporate Properties & Buildings**

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### **BACKGROUND**

The City of Calgary recognized that encroachments exist, will continue to be discovered and has established this policy for processing encroachment applications.

Encroachments occur into City owned lands and into easements. On behalf of the citizens of Calgary, The City must ensure that encroachments do not adversely affect these lands and easements or The City's ability to maintain effective services or restrict public access and enjoyment of lands for public use.

At the regular meeting of Council on 1996 June 24, Council approved OE97-38 Corporate Policy on Encroachments and amendments were approved by Council on 1998 February 23.

### **PURPOSE**

The policy will assist the public and enable The City to effectively manage encroachments. It is intended to provide a more consistent approach in processing applications, enforcing the policy and protecting and indemnifying The City wherever encroachments have been identified.

### **POLICY**

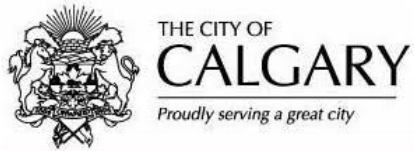
[Please see attached policy document](#)

### **PROCEDURE**

[Please see attached document for the Encroachment Agreement for Application Procedures and section 2.0 Encroachment Guidelines](#)

### **AMENDMENTS**

1998 February 23 OE98-31 report on Title Insurance/Encroachment Appeals



## COUNCIL POLICY

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2010 revision-policy number change from AMCW008 to CS008 due to  
department reorganization



Corporate Properties Group

The City of Calgary

## APPLICATION PROCEDURE ENCROACHMENT AGREEMENT

1. **A Copy of Title**  
Copies may be obtained from private registry companies. You need to provide the legal description of the property for which you are seeking a title.
  2. **A Real Property Report**  
Real Property Reports (survey) may be obtained from any Alberta Land Surveyor. They provide a detailed map of a specific property. We require an original or very clear copy (not reduced).
  3. **A Letter of Intent**  
This is a cover letter that will explain the circumstances which have led you to apply for an agreement. Please highlight anything you would like brought to our attention and be sure to reference the property's address and legal description.
  4. **Photographs**  
Photographs of the encroaching feature(s). This should give an idea of what the area in question looks like and clearly show the encroachment.
  5. **Fee**  
Fees for Encroachment Applications are subject to which Schedule they fall under in the City of Calgary Encroachment Policy\*. If a feature is identified under Schedule "B", the fee is \$200.00 and the application is automatically approved. If a feature is identified under Schedule "C", the fee is \$500. and the application is subject to approval.
- \* Copies of the City of Calgary Encroachment Policy are available through the City of Calgary Public Library and are for sale at the City Clerks office.
- \*\* Applications will not be processed if any part of these requirements is missing.

Once your application is complete, you may drop it off at:  
**City Hall, 800 Macleod Trail, 12th Floor  
Corporate Properties Group**

or mail it to:  
**The City of Calgary  
Corporate Properties Group #8052  
Attn. Land Titles Officer  
PO Box 2100, Station M  
Calgary, Alberta T2P 2M5**

Upon receipt of a complete Encroachment Application, the City will circulate your file to determine if an Encroachment Agreement will be approved.

***If an encroachment is approved***, a document will be prepared for your signature and registered at the Southern Alberta Land Titles Office. The Encroachment Agreement will allow the encroachment to remain for the life of the structure. That is, the feature may not be rebuilt on City land.

***If an encroachment is rejected***, and you have paid a \$500.00 application fee, you will be refunded \$300.00 and required to remove your encroachment.

If you have any questions regarding the Encroachment Application Procedure or any of the elements required for an Encroachment Application, please contact a Land Titles Officer at Corporate Properties Group at:  
**Tele: 403-268 2251 Fax: 403-268 1948**

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**THE CITY OF CALGARY**  
**CORPORATE POLICY**  
**FOR**  
**PROCESSING ENCROACHMENT APPLICATIONS**  
**FEBRUARY 23, 1998**

Prepared by: Encroachment Taskforce  
Approved by: Council June 29, 1996 (O&E 96-36)  
Amendments approved by: Council February 23, 1998

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**CORPORATE POLICY FOR PROCESSING ENCROACHMENT APPLICATIONS**

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**CORPORATE POLICY FOR PROCESSING ENCROACHMENT APPLICATIONS**

This policy comes into effect July 01, 1996.

**INTRODUCTION**

The City realizes encroachments exist, will continue to be discovered, and has established this corporate policy for processing encroachment applications.

The City owns a variety of parcels of land including streets and reserves and also has interests in privately owned land by way of easements. Easements are granted to the City to allow utility line(s) to be installed and maintained on, over or under titled lands. Easements specify the rights and privileges of both the City and the property owners.

Encroachments occur into City owned lands and into easements. On behalf of the citizens of Calgary, the City must ensure that encroachments do not adversely affect these lands and easements or the City's ability to maintain effective services or restrict public access and enjoyment of lands for public use.

Formal approval is required to protect the City and other utility's where existing or proposed encroachments are identified: such approval takes the form of a License of Occupation for streets and an Encroachment Agreement for encroachments into easements. Identified owners of the encroachment are required to enter into an agreement or license or, alternatively, remove the encroachment.

The following Encroachment Policy will assist the public and enable the City to effectively manage encroachments. It is intended to provide a more consistent approach in processing applications, enforcing the policy and protecting and indemnifying the City wherever encroachments have been identified.

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**CORPORATE POLICY FOR PROCESSING ENCROACHMENT APPLICATIONS**

**1.0 ENCROACHMENT POLICY:**

- 1.1 No encroachments shall be allowed or authorized effective July 01 1996 except where:
  - (a) An encroachment is identified as being authorized into a street or easement in attached Schedules "A" or "B",
  - (b) An encroachment has been previously authorized by the City by written agreement; or
  - (c) An application for an Encroachment Agreement has been made for an encroachment and is still being considered for authorization by Corporate Properties Group.
- 1.2 The City will accept Encroachment Agreement applications in accordance with this policy for authorization of encroachments that existed prior to 1996 July 01.
- 1.3 Unless an encroachment is authorized by the City, the encroachment shall be removed from the affected Municipal Lands.
- 1.4 Encroachments into Municipal Lands that are designated as or are part of an emergency access shall be removed from the affected Municipal Lands.
- 1.5 Encroachments identified on the attached Schedule "A" into a street or easement are authorized by the City and do NOT require an Encroachment Agreement.
- 1.6 Encroachments identified on the attached Schedule "B" into a street or easement require an Encroachment Agreement which shall be granted (a non-circulation process) if within the Schedule "B" tolerances.
- 1.7 Where an Encroachment Agreement includes a provision for removal following a minimum of 30 days notice by the City, such notice will be made for a valid municipal purpose only.
- 1.8 Where an encroachment has been authorized by the City an applicant shall execute the Encroachment Agreement prepared and delivered by the City, or the encroachment shall be removed from the Municipal Lands.
- 1.9 An Encroachment Agreement authorized by the City and executed by the applicant shall be registered by caveat on the title of the applicants land.

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**CORPORATE POLICY FOR PROCESSING ENCROACHMENT APPLICATIONS**

- 1.10 Utilities located within an easement, public utility lot, City owned parcel or street authorized by the City will not be considered as an encroachment
- 1.11 Notwithstanding any other provision of this policy, a commercial or industrial encroachment application shall be reviewed on its own merits at the discretion of the City.
- 1.12 An authorized Encroachment Agreement does not release an applicant from the responsibility to comply with other Provincial or Federal requirements or municipal bylaws.
- 1.13 All expenses, costs, liabilities, or other risk associated with an authorized Encroachment shall be borne by the owner.

**2.0 ENCROACHMENT GUIDELINES**

**2.1 GENERAL GUIDELINES**

- 2.1.1 Where an encroachment occurring prior to 1996 July 01 is identified, an applicant may make an application to the City, as outlined in Schedule "C", for consideration of such encroachment. If within:
  - (a) an easement, it will be reviewed by all affected departments and any affected utility. If deemed acceptable, an Encroachment Agreement will be issued.
  - (b) a street, it will be reviewed by the Streets Division and any affected utility. If deemed acceptable, consideration for closure and sale of a portion of the street may be recommended or a License of Occupation will be granted.
  - (c) a reserve, it will require removal unless other alternatives are pursued as referenced in this policy document.
  - (d) a City owned parcel, it will be reviewed by the Corporate Properties Group, all affected departments and any affected utility. If deemed acceptable, sale of the City owned parcel or an interest (lease or licence of occupation) in any portion of that parcel may be recommended.

**CORPORATE POLICY FOR PROCESSING ENCROACHMENT APPLICATIONS**

- 2.1.2 An encroachment once authorized by the City may continue to be used but the encroachment shall not be added to, rebuilt or structurally altered except;
  - (a) as may be necessary to remove the encroachment, or
  - (b) as may be necessary for the routine maintenance of the encroachment.
- 2.1.3 If an encroachment or the structure benefitting from the encroachment is damaged or destroyed to the extent of more than 75% of the replacement value of the encroachment or such structure, the encroachment shall not be repaired or reconstructed and shall be removed from the Municipal Lands unless the repair or reconstruction has been authorized by the City.
- 2.1.4 The City will respond to all encroachment complaints and will apply this policy when encroachments are identified through normal management of Municipal Lands.
- 2.1.5 Existing encroachments authorized by Licenses of Occupation, Encroachment Agreements, Maintenance and Indemnity Agreements, or any other existing agreement with the City authorizing an encroachment shall be deemed to be an authorized encroachment subject to the terms of the existing agreement.

**2.2 GUIDELINES FOR ENCROACHMENT INTO RESERVES AND CITY OWNED PARCELS**

- 2.2.1 **Reserve (including ER) or a City owned parcel**

Where an encroachment extends into a reserve (including ER) or a City owned parcel, the applicant shall remove the encroachment as directed by the Corporate Properties Group.
- 2.2.2 If an applicant objects to the removal, the applicant may apply to Council for disposition of the reserve affected by the encroachment (Section 70 and 674 of Municipal Government Act) or in the case of ER, for boundary rectification (section 676 of the Municipal Government Act).
- 2.2.3 The disposition of any interest in School Reserve (SR) and Municipal and School Reserve (MSR) parcels is subject to a review by the City and School Boards' Joint Use Coordinating Committee (JUCC) and a subsequent hearing at a public hearing of Council.

**CORPORATE POLICY FOR PROCESSING ENCROACHMENT APPLICATIONS**

- 2.2.4 The disposition of any interest in MR and ER parcels is subject to a hearing at a public hearing of Council.
- 2.2.5 Following the application by an applicant, a public complaint or discovery by City personnel, the process for resolving an encroachment into a reserve or any City owned parcel is as outlined in attached Schedule "C".

**2.3 GUIDELINES FOR ENCROACHMENT INTO STREETS**

- 2.3.1 An encroachment into a street is not permitted (Streets By-Law 20M88, Section 49, 56, and 85) and shall be removed from the street except as indicated in section 1.1 and 1.2 of this policy.
- 2.3.2 An application for a License of Occupation is to be made to the Corporate Properties Group under the following conditions:
  - (a) Encroachments up to 0.3 metres will receive a License of Occupation without circulation (Schedule "B"), unless identified in (Schedule "A").
  - (b) Encroachments over 0.3 metres will be reviewed by the Corporate Properties Group and circulated to the Streets Division, all affected departments and any affected utility. If deemed acceptable, a License of Occupation will be granted.
- 2.3.3 The License of Occupation will allow the City to require removal following 30 days notice to the applicant.
- 2.3.4 Where an encroachment is created by an owner granting land adjacent to a street to the City (i.e. A Dedication Agreement where an existing encroachment is to remain), the City shall without charge permit an Encroachment Agreement to be entered into with the owner. The removal period is subject to negotiation with the City and would be related to the life of the encroachment or until a road widening is required by the City.



**CORPORATE POLICY FOR PROCESSING ENCROACHMENT APPLICATIONS**

**2.4 GUIDELINES FOR ENCROACHMENT INTO EASEMENTS**

- 2.4.1 An encroachment less than or equal to 0.3 metres into an easement will be reviewed by the Corporate Properties Group and if in accordance with the attached Schedule "B" an Encroachment Agreement (without a 30 day removal clause) will be issued, except where adjacent to or located on a City owned parcel with an overhead electrical line. In cases involving overhead electrical lines, no encroachment will be permitted.
- 2.4.2 An application for an encroachment into an easement greater than 0.3 metres or any other form of encroachment not within Schedule "A" or "B" shall be submitted to the Corporate Properties Group and circulated to all affected departments, any affected utility or school board. If deemed acceptable, an Encroachment Agreement ( with a 30 day removal clause) will be issued.
- 2.4.3 An encroachment which forms a barrier (which includes, but is not limited to development features such as entrance features, walls and decorative fences) preventing direct access by the City may be located on a parcel of land separating an easement from the nearest street or City owned parcel. However, in such a case the encroachment must have one or more easily removable and replaceable sections the length of which is greater than 2.4 metres on each affected lot.
- 2.4.4 An encroachment shall not interfere with the City's or other utility's need to access the easement.

**3.0 ENFORCEMENT**

- 3.1 An encroachment into a street is enforced by the Bylaw Enforcement officers within the Engineering and Environmental Services Department under the jurisdiction of the Street By-law 20M88 ( Section 16, 44, 56, 85, 87 and 89).

**CORPORATE POLICY FOR PROCESSING ENCROACHMENT APPLICATIONS**

- 3.2 An encroachment into a City owned parcel, including a reserve, will be directed to the Corporate Properties Group and will be reviewed by all affected departments and any affected utility. The Corporate Properties Group will recommend either removal of the encroachment or the sale of an interest in or any portion of the affected City owned parcel.
- 3.3 The City will notify a property owner that an encroachment has been identified on adjacent Municipal Lands and that they are to make an encroachment application should the owner wish the encroachment to remain.
- 3.4 If it can be established that the encroachment was caused by the property owner, the owner may be liable for the costs of removal. If the owner refuses to remove the encroachment or fails to apply for authorization, the City will remove the encroachment and seek reimbursement from the property owner for all removal costs.

**CORPORATE POLICY FOR PROCESSING ENCROACHMENT APPLICATIONS**

**4.0 ENCROACHMENT AGREEMENT FEES**

Fee Schedule:

**4.1 Easement**

Schedule "A" application	\$ 35.00
Schedule "B" application	\$200.00
Application for encroachment NOT within Schedule "A" or "B", (circulation required)	\$500.00
Refund if no approval/ removal	(\$300.00)
If easement discharged	(full refund)

**4.2 Street**

**4.2.1 Residential**

Schedule "A" application	\$ 35.00
Schedule "B" application	\$200.00
Application for retaining walls:	
a) where the party who built the encroachment is unknown, or	
b) that may expose the City to liability if removed, or	
c) built prior to 1970 March 15	\$ 50.00
Application for encroachment NOT within Schedule "A" or "B"	\$500.00
Refund if no approval/ removal	(\$300.00)

**4.2.2 Non-residential**

All non-residential encroachments into City property will be required to remove the feature or enter into a Licence of Occupation with Corporate Properties Group, Sales and Leasing Department.

- 4.3 This fee schedule may be revised from time to time by the Board of Commissioners.
- 4.4 The "annual taxes" shall be calculated based on the assessed value per square meter of the applicants parcel and the area of land affected by the encroachment.
- 4.5 Fees, including municipal taxes, arising from the use of Municipal Land in

**CORPORATE POLICY FOR PROCESSING ENCROACHMENT APPLICATIONS**

accordance with an Encroachment Agreement by an applicant shall be the responsibility of the applicant.

- 4.6 Any additional costs required to facilitate an encroachment, including but not limited to a road closure or subdivision application, shall be borne by the applicant.
- 4.7 Any costs of utility relocation or reconstruction required to facilitate an encroachment shall be the responsibility of the applicant.

**5.0 DEFINITIONS:**

- 5.1 **Applicant** is the owner of land adjacent to Municipal Lands or the owner of land encumbered by an easement, who has required or may require an encroachment on the said municipal lands or easement
- 5.2 **City** means the corporation of The City of Calgary.
- 5.3 **City Owned Parcel** is any titled lands the City owns excluding a reserve, street or easement.
- 5.4 **Council** means the Municipal Council for The City.
- 5.5 **Developer Fence** means a fence installed under a subdivision development agreement which is usually of a consistent style and is continuous along 2 or more lots.
- 5.6 **Easement** means any right-of-way for the passage and maintenance of public utilities, identified by a registered plan or by description and documented by a Registered Easement Agreement granted to the City.
- 5.7 **Encroachment** means anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground (excluding sound attenuation structures or fences as required by the City), that extends on, over or under municipal lands and shall include, but is not limited to the following:

**CORPORATE POLICY FOR PROCESSING ENCROACHMENT APPLICATIONS**

- (a) Buildings and all projections (including eaves, cantilevers, etc.) and siding.
  - (b) Sheds, (including those attached to a dwelling and/or fence).
  - (c) Fences
  - (d) (Asphalt, concrete or brick) sidewalks, curbs, parking pads, aprons or driveways.
  - (e) Structures (including decks, stairs patios, etc.)
  - (f) Extension of adjacent lands by fill.
  - (g) Retaining walls.
  - (h) Swimming pools and hot tubs.
  - (i) Shrubs, trees or other organic landscape materials planted in reserves or City owned parcels.
  - (j) Hard landscaping (including, but not limited to, retaining walls, structures, fire pits, planters).
  - (k) Light standards
  - (l) Signs
- 5.8 **Encroachment Agreement** means an agreement (including a License of Occupation or an agreement amending an existing utility right of way) between the applicant and the City authorizing an encroachment and shall, among other things, include:
- (a) location and identification of the encroachment;
  - (b) fees;
  - (c) term;
  - (d) termination notice;
  - (e) cost and liability for removal; or
  - (f) indemnification of the City, its agents or licensees.
- 5.9 **Fence** means a standard chain link, wooden fence or equivalent with posts no larger than 0.15 m by 0.15 m, centered approximately 2.4 m apart with a maximum height of 2.0 m.
- 5.10 **License of Occupation** means an agreement authorizing the right of an applicant to maintain an encroachment within a street. A License of Occupation shall have a provision requiring removal following a minimum of 30 days notice by the City.

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**CORPORATE POLICY FOR PROCESSING ENCROACHMENT APPLICATIONS**

- 5.11 **Municipal Lands** means collectively or individually a street, easement, reserve or City owned parcel.
- 5.12 **Reserve** includes all municipal reserves (MR, R or CR or any of the original designates), environmental reserves (ER), municipal and school reserves (MSR) or school reserves (SR) as defined in sections 98, 99 and 110.1 of the Planning Act (Sept. 1, 95 The Municipal Government Act sections 664, 666 and 665) or a public park, recreation ground or exhibition ground as defined in section 70(1)(b) of the Municipal Government Act.
- 5.13 **Street** means any thoroughfare, highway, road, trail, avenue, viaduct, lane, alley, square, bridge, causeway, trestle, walkway or other place, which are lands owned by the City, any part of which the public is entitled or permitted to use.
- 5.14 **Tolerance** of measurements, when referred to in this policy shall take into consideration errors introduced by survey measurements. For the purposes of determining compliance with this policy with respect to the location of encroachments, measurements shall be rounded off to the same number of significant figures as set out in the Land Use Bylaw 2P80 (i.e. 600 mm would change to 0.6 m, 3 m would change to 3.0 m, a survey measurement between 0.25 m and 0.34 m would be rounded to 0.3 m and between 0.35 m and 0.39 m would be rounded to 0.4 m ).
- 5.15 **Utility** means any one or more of the following:
- (a) Systems for the distribution of gas, whether artificial or natural, electricity, telephone, cable television and oil products;
  - (b) Facilities for storage, transmission, treatment, distribution or supply of water
  - (c) Facilities for the collection, treatment, movement or disposal of sanitary sewage, including pumping stations;
  - (d) Storm sewer drainage facilities, including collection, pumping stations, storm water ponds and wetlands;
  - (e) Any other items that may be prescribed by the Lieutenant Governor in Council by regulation.

**CORPORATE POLICY FOR PROCESSING ENCROACHMENT APPLICATIONS**

**Schedule "A"**

**1.0 Authorized Encroachments into a Street (Corporate Properties Group Letter Process):**

- 1.1 Structures which provide direct access to a dwelling, including:
  - front driveways (of any material)
  - sidewalks to a maximum width of 2.0 metres
  - special needs access (ramps, elevators, fire escapes, etc.)
  - steps to a maximum width of 2.0 metres which provide access to a residential dwelling excluding retaining walls or landscape features that are in the opinion of the City Engineer considered to be features not directly benefiting the access.
- 1.2 Driveways which access lanes:
  - which are constructed of asphalt, gravel, or shale
  - which are constructed of concrete or other like material and which encroach not more than 0.3 metres into a gravel lane
  - which are hard surfaced and which encroach into a hard surfaced (asphalt or concrete) lane
- 1.3 Fences:
  - encroaching not more than 0.3 metres where the fence creates an enclosure
  - encroaching to the back of the sidewalk or to 1.0 metres from the curb (if there is no sidewalk) where the fence is a linear projection of a fence on the Applicant's property EXCEPT where adjacent to a Street
  - developer fences required under development agreements
  - fences running parallel to pathways (which run over a property line) may exceed 0.3 metres subject to minimum access requirements
- 1.4 Portable sheds:
  - under 10 square metres (107 square feet) and
  - encroaching not more than 0.3 metres
- 1.5 Retaining walls:
  - not more than 0.2 metres in height and where not located adjacent to Enmax or other utility above ground surface facilities
- 1.6 Non-permanent surface improvements including:
  - movable planters including any movable border material (eg. plastic, concrete, timber sections under 0.2 metres in height)
  - natural landscaping including trees and shrubbery
  - surface level rocks not more than 0.2 metres in height
  - interlocking brick
- 1.7 Garbage enclosures:
  - not more than 2.0 metres in width encroaching not more than 0.3 metres
- 1.8 Signs or canopies:
  - complying with the Land Use Bylaw 2P80 and Streets Bylaw 20M88
- 1.9 Any encroachment constructed for valid municipal purposes by the City or its agents (ie. bollards, sound barriers, developer fences, subdivision entrance signs, guard rails, etc.)

**CORPORATE POLICY FOR PROCESSING ENCROACHMENT APPLICATIONS**

**Schedule "A"**

**2.0 Authorized Encroachments into an Easement (Corporate Properties Group Letter Process):**

- 2.1 Structures which provide direct access to a dwelling, including:
- driveways (of any material) which cross over any easement and do not run parallel to it
  - sidewalks to a maximum width of 2.0 metres
  - special needs access (ramps, elevators, fire escapes, etc.)
  - steps to a maximum of width of 2.0 metres excluding retaining walls or landscape structures that are in the opinion of the City Engineer considered to be features not directly benefitting the access
  - self supporting steps over a utility right-of-way which provide access to a building
- 2.2 Fences:
- encroaching not more than 0.3 metres where the fence creates an enclosure
  - encroaching to the back of the sidewalk or to 1.0 metres from the curb (if there is no sidewalk) where the fence is a linear projection of a fence on the Applicant's property EXCEPT where adjacent to a Street
  - developer fences required under development agreements
  - fences running parallel to pathways (which run over a property line) may exceed 0.3 metres subject to minimum access requirements
  - fences running through a utility right-of-way bisected by a property line
- 2.3 Portable sheds:
- under 10 square metres (107 square feet)
- 2.4 Retaining walls:
- not more than 0.2 metres in height and where not located adjacent to Enmax or other utility above ground surface facilities
- 2.5 Non permanent surface improvements including:
- movable planters including any movable border material (e.g. plastic, concrete, timber sections not more than 0.2 metres in height)
  - natural landscaping including trees and shrubbery
  - surface levels rocks not more than 0.2 metres in height
  - interlocking bricks
- 2.6 Eaves:
- built prior to April 1994 and receiving a Planning and Building Department Certificate of Compliance
  - encroaching less than 0.1 metre into an easement
- 2.7 Signs or canopies:
- complying with the Land Use Bylaw 2P80 and Streets Bylaw 20M88
- 2.8 Any encroachment constructed for valid municipal purposes by the City or its agents (ie. bollards, sound barriers, developer fences, subdivision entrance signs, guard rails, etc.)



**CORPORATE POLICY FOR PROCESSING ENCROACHMENT APPLICATIONS**

**Schedule "B"**

- 1.0 Authorized Encroachments into a Street or Easement (Non-circulation Process), Encroachment Agreement Required.**
- 1.1 Residential footings for buildings or structures encroaching not more than 0.3 metres into an easement at a depth of more than 2.0 metres below grade, wherein the building or structure is not encroaching, will be accepted.
  - 1.2 Where the building or structure does not encroach, residential building eaves encroaching not more than 0.6 metres into an easement above a height of 2.4 metres above grade will be authorized, except where adjacent to or located on lands with an overhead electrical line requiring minimum clearance.
  - 1.3 Hard landscaping, steps, fill or retaining walls not more than 0.6 metres in height or encroaching less than or equal to 0.3 metres into a street will be approved, except where adjacent to or located on lands with an overhead electrical line.
  - 1.4 Where an encroachment is created by an owner granting land to the City (i.e. a Dedication Agreement where an existing encroachment is allowed to remain), the City shall without charge permit an Encroachment Agreement to be entered into with the applicant, the removal period to be negotiated as part of the purchase or dedication
  - 1.5 An encroachment not more than 0.3 metres into an easement unless identified in Schedule "A", will be approved.
  - 1.6 An encroachment that forms a barrier (which includes, but is not limited to development features such as entrance features, walls and decorative fences) preventing direct access by the City and is located on a parcel of land separating an easement from the nearest street or City owned parcel and has an easily removable and replaceable sections the length of which is more than 2.4 metres on each affected lot with support pillars encroaching not more than 0.6 meters into and easement.

**CORPORATE POLICY FOR PROCESSING ENCROACHMENT APPLICATIONS**

**Schedule "C"**

**Corporate Properties Group Process**

**1.0 Applications**

Applications for Encroachment Agreements will be made to the Corporate Properties Group. If within:

- (a) the guidelines set out in Schedule "A", the applicant will be advised that no Encroachment Agreement is necessary.
- (b) the guidelines set out in Schedule "B", the applicant will be asked to provide:
  - (1) a copy (preferably an original) of a Real Property Report detailing the property and the extent of the encroachment;
  - (2) a copy of the title to the parcel;
  - (3) the application fee, as set out in section 4.0 of this policy; and
  - (4) photographs of the encroachment.
  - (5) a cover letter or letter of intent

Upon receipt of items 1 through 5 an agreement will be immediately issued for execution by the applicant.

If NOT within:

- (c) the guidelines set out in Schedule "B", and the encroachment occurred prior to July 1, 1996, a circulation will be done to determine the acceptability of the encroachment ( the applicant will be required to provide items 1 through 5 as above). If acceptable the appropriate agreement will be issued. If unacceptable the applicant will be required to remove the encroachment.
- (d) the guidelines set out in Schedule "B", and the encroachment occurred after July 1, 1996, the applicant will be required to remove the encroachment.

**CORPORATE POLICY FOR PROCESSING ENCROACHMENT APPLICATIONS**

**2.0 Complaints**

Encroachments identified by public complaints or by City personnel will be referred to the Corporate Properties Group.

**2.1 Owner**

For the purposes of reserves and City owned parcels, "owner" shall mean the owner of land adjacent to a reserve or City owned parcel who has an encroachment into the reserve or City owned parcel.

**2.2 Investigation**

- (a) A background investigation will be undertaken to determine if the encroachment resulted from an error, no easement registered, road plan after the fact, permit issued, etc..
- (b) Significance of the encroachment will be determined to see if it presents a safety hazard and if the encroachment should be authorized or removed.
- (c) Enmax's Easement Encroachment Reporting System (EERS) will recognize the safety factor ONLY, and will inform the applicant of any additional encroachment that is subject to the corporate policy. Enmax will identify this in their initial letter to the applicant and will copy the Corporate Property Group for their investigation.

**2.3 Initial Contact**

Depending on the investigation, the applicant will be notified by mail advising the applicant of the possible encroachment and requiring the applicant to apply for an Encroachment Agreement or remove the encroachment.

**2.4 Final Contact**

If after 30 days, the applicant has not made application for an Encroachment Agreement or removed the encroachment, written notice will be sent to the applicant. The letter written will indicate that, if the problem is not rectified within another 30 days, the situation will be referred to the Law Department and /or the bylaw enforcement officer for immediate action.

**CORPORATE POLICY FOR PROCESSING ENCROACHMENT APPLICATIONS**

**3.1 Verification**

Encroachment will be verified. At the discretion of The Corporate Properties Group, Manager of Real Estate Services, a survey or a Real Property Report, may be undertaken to confirm the extent of the encroachment. If the survey verifies that the encroachment exists, the costs of the survey will be recovered from the owner (Applicants who are requesting encroachment approval into reserves are required to submit a Real Property Report). The Corporate Properties Group, Land Titles Officer will make initial contact with the owner and shall notify the appropriate school board when an encroachment onto a SR or MSR site has been identified.

**3.2 Initial Contact**

Initial contact will be made with the owner advising that the encroachment must be removed within 30 days. Initial contact can be in person, via telephone, or in writing and will cite the policy of Council indicating that encroachments will not be allowed onto reserves.

**3.3 Second Contact and Written Notice**

If, after 30 days, the owner has not removed the encroachment or commenced application to Council for disposition of such portion of the reserve necessary to accommodate the encroachment, The Corporate Properties Group, Land Titles Officer will send written notice to the owner. The letter will indicate that, if the problem is not rectified within another 30 days, the situation will be referred to the Law Department for immediate action.

**3.4 Third and Final Contact (From the Law Department)**

If after 60 days the owner has not removed the encroachment or has not made application to Council as noted in section 3.3, the Law Department will issue a further letter to the owner requiring removal by a specified date, failing which the owner will be sued for trespass.



**THE CITY OF CALGARY**  
Real Estate & Development Services  
Land & Asset Management

**ENCROACHMENT GUIDELINES**

Prepared by: Coordinator, Land Administration, Land & Asset Management  
Approved by: Manager, Land & Asset Management on March 16, 2020  
Amendments approved by: N/A

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## 1.0 Title

- 1.1 These guidelines may be referred to as the “*Encroachment Guidelines*” or the “*Guidelines*”.

## 2.0 Scope

- 2.1 These Guidelines apply to all *encroachments* onto *City-owned land*, *streets*, and *easements*.
- 2.2 *City-owned land*, *streets*, and *easements* includes, among other things, boulevards, sidewalks, roads, bridges, alleyways, parkways, lanes, *utility rights-of-way*, *overland drainage easements* and titled parcels of land owned by the *City* including, but not limited to, *parks* and *reserve land*.

## 3.0 Purpose

- 3.1 The *City* recognizes the importance of assisting the public by effectively managing *encroachments* into *City-owned land*, *streets*, and *easements*.
- 3.2 The *City* understands the importance of providing a consistent and timely approach in processing applications for *encroachment agreements*.
- 3.3 The *City* must ensure that *encroachments* do not adversely affect the *City's* or *utility provider's* ability to access, maintain and provide safe and effective services to the citizens of Calgary.
- 3.4 The *City* must ensure that *encroachments* do not restrict public access to and enjoyment of lands intended for public use, such as *City parks*.
- 3.5 These Guidelines and the Encroachment Bylaw will assist the public and enable the *City* to effectively manage *encroachments*. They are intended to provide a consistent approach in processing applications, enforcing the Encroachment Bylaw and protecting and indemnifying the *City* wherever *encroachments* have been identified.

## 4.0 Responsibilities

### 4.1 Council:

- (a) Receive, review, and consider for amendment, the Encroachment Bylaw and any recommended amendments thereto.

#### 4.2 Real Estate & Development Services:

- (a) Review and make recommendations to *Council* from time to time, regarding any revisions required to the Encroachment Bylaw.
- (b) Process *encroachment agreement* applications through consultation with affected *City business units* and *utility providers* in accordance with these Guidelines and the Encroachment Bylaw;
- (c) Process *encroachment agreement* applications in a timely manner; and
- (d) Establish, maintain, periodically review and approve these Guidelines in consultation with *City business units* and *utility providers*.

#### 4.3 City business units:

- (a) Address all *encroachment* matters that are referred to the department, including reviewing and making recommendations to *Real Estate & Development Services* on *encroachment agreement* application circulations.

#### 4.4 Utility providers:

- (a) Review and make recommendations on *encroachment agreement* circulations that are brought forward by *Real Estate & Development Services*.

#### 4.5 Officers:

- (a) Enforce related Bylaw offences.

### 5.0 Encroachment Guidelines

#### 5.1 General:

- (a) An *encroachment* shall not adversely affect the *City's* or *utility provider's* ability to access, maintain and provide safe and effective services to the citizens of Calgary.
- (b) An *encroachment* shall not restrict public access to and enjoyment of lands intended for public use, such as *City parks*.



- (c) An *encroachment* shall not interfere with the *City's* or *utility provider's* ability to access a *City property or interest* or *utility provider* utility infrastructure contained within a *City property or interest*.
- (d) All *encroachments* require *written authorization*.
- (e) All unauthorized *encroachments* shall be removed by the *owner* from the affected *City property or interest* at their sole cost and expense.
- (f) All unauthorized *encroachments* shall be removed by the *owner* within thirty (30) days of receiving a rejection letter and/or removal notice from the *City*.
- (g) Where an *encroachment* has been authorized by the *City* and an *encroachment agreement* is required, an *owner* shall execute the *encroachment agreement* prepared and delivered by the *City*, or the *encroachment* shall be removed by the *owner* from the *City property or interest*.
- (h) An *encroachment agreement* authorized by the *City* and executed by the *owner* shall be registered by caveat on the *certificate of title* to the *owner's* land.
- (i) *Utility provider* utility infrastructure located within a *City property or interest* that is authorized by the *City* will not be considered as an *encroachment*.
- (j) Notwithstanding any other provision of these Guidelines, a multi-family residential, commercial, industrial or retail property *encroachment* application shall be reviewed on its own merits at the discretion of the *City*.
- (k) An authorized *encroachment* does not release an *owner* from the responsibility to comply with other provincial or federal requirements or municipal bylaws.
- (l) All *owners* with authorized *encroachments* into *City-owned land* and *streets* may be subject to the assessment of additional municipal property taxes levied against the *owner's* land by virtue of the *encroachment*.



- (m) All expenses, costs, liabilities, or other risk associated with both authorized and unauthorized *encroachments* shall be borne by the *owner*.
- (n) Where an *encroachment* is identified, an *owner* may make an application to the *City* by following the online *Encroachment* Application Procedure identified on the attached Schedule “C” and as outlined on the *City*’s website at [www.calgary.ca/encroachments](http://www.calgary.ca/encroachments).
- (o) An *encroachment* once authorized by the *City* may continue subject to the *City*’s right to request removal of the *encroachment* upon thirty (30) days’ notice and the *encroachment* shall not be added to, rebuilt or structurally altered except:
  - (i) As may be necessary to remove the *encroachment*, or
  - (ii) As may be necessary for the routine maintenance of the *encroachment*.
- (p) If an *encroachment* or the structure benefitting from the *encroachment* is damaged or destroyed to the extent of more than 75% of the replacement value of the *encroachment* or such structure, the *encroachment* shall not be repaired or reconstructed and shall be removed from the *City property or interest* unless the repair or reconstruction has been authorized by the *City*.
- (q) All *encroachment* removals require the *owner* to submit an updated Real Property Report to the *City* evidencing removal of *encroachment(s)*.
- (r) The *City* will respond to all *encroachment* complaints and will apply the Encroachment Bylaw and Guidelines when *encroachments* are identified through normal management of *City* property and interests.
- (s) Existing *encroachments* authorized by Licenses of Occupation, *Encroachment agreements*, Maintenance and Indemnity Agreements, or any other existing agreement with the *City* authorizing an *encroachment* shall be deemed to be an authorized *encroachment* subject to the terms and conditions of the existing agreement.
- (t) These Guidelines may be revised from time to time by the *Manager, Land & Asset Management* pursuant to Encroachment Bylaw.



- (u) Words have their meanings defined in Section 9 of these Guidelines.

## 5.2 Encroachments into City-owned land – Parks

- (a) A person must not *place* or allow to be *placed* an *encroachment* onto a *park* without the *written authorization* of the *Director, Calgary Parks*.
- (b) **Reserve land:**
- (i) A person must not *place* or allow to be *placed* an *encroachment* onto *reserve land*.
- (ii) Where an *encroachment* extends onto *reserve land*, the *owner* shall remove the *encroachment* as directed by *Real Estate & Development Services* and/or *Calgary Parks*.
- (c) **Non-Reserve Park land:**
- (i) Where an *encroachment* extends onto non-reserve *park* land, the *owner* shall remove the *encroachment* as directed by *Real Estate & Development Services* and/or *Calgary Parks*.
- (ii) If an *owner* objects to the removal, the *owner* may apply to *Calgary Parks* through *Real Estate & Development Services* to license the land affected by the *encroachment*. If the *City* objects to a proposed license of the land affected by the *encroachment*, the *owner* shall remove the *encroachment* as directed by *Real Estate & Development Services* and/or *Calgary Parks*. If the *City* has no objections to a proposed license of the land affected by the *encroachment*, the request will be handed off to the *City's* Leasing department for negotiation and approval of the proposed license.

## 5.3 Encroachments into City-owned land – Non-park land

- (a) *Encroachments* into *City-owned land* – non-park land that are encroaching by less than or equal to 0.34 metres will be reviewed by *Real Estate & Development Services*. If deemed acceptable, an *encroachment consent letter* will be issued.
- (b) *Encroachments* into *City-owned land* – non-park land that are encroaching by more than 0.34 metres will be reviewed by all affected *City business units* and *utility providers*. If deemed acceptable, an *encroachment agreement* will be issued.

#### 5.4 Encroachments into City streets

- (a) *Encroachments* identified on the attached Schedule "A" into a *street* will be reviewed by *Real Estate & Development Services*. If deemed acceptable, an *encroachment consent letter* will be issued.
- (b) Notwithstanding Section 5.4(a), *encroachments* identified in Sections 1.1 and 1.8 of Schedule "A", if deemed acceptable by *Real Estate & Development Services*, do not require an *encroachment consent letter* and are not subject to application or *encroachment* fees.
- (c) *Encroachments* identified on the attached Schedule "B" into a *street* will be reviewed by *Real Estate & Development Services*. If deemed acceptable, an *encroachment agreement* will be issued.
- (d) *Encroachments* into a *street* that are not identified on the attached Schedules "A" or "B" require an *encroachment* application to be submitted by the *owner* to the *City* for circulation and review by all affected *City business units* and *utility providers*. If deemed acceptable, an *encroachment agreement* will be issued.

#### 5.5 Encroachments into City utility rights-of-way

- (a) *Encroachments* identified on the attached Schedule "A" into a *utility right-of-way* will be reviewed by *Real Estate & Development Services*. If deemed acceptable, an *encroachment consent letter* will be issued.
- (b) Notwithstanding Section 5.5(a), *encroachments* identified in Sections 2.1 and 2.7 of Schedule "A", if deemed acceptable by *Real Estate & Development Services*, do not require an *encroachment consent letter* and are not subject to application and *encroachment* fees.
- (c) *Encroachments* identified on the attached Schedule "B" into a *utility right-of-way* will be reviewed by *Real Estate & Development Services*. If deemed acceptable, an *encroachment agreement* will be issued.
- (d) *Encroachments* not identified on the attached Schedules "A" or "B" require an *encroachment* application to be submitted by the *owner* to the *City* for circulation and review by all affected *City business units* and *utility providers*. If deemed acceptable, an *encroachment agreement* will be issued.

- (e) Requests for a withdrawal and discharge of a *utility right-of-way* will be circulated to all affected *City business units* and *utility providers* for review. If deemed acceptable, an executed withdrawal and discharge of *utility right-of-way* will be submitted by the *City* to the Alberta Land Titles Office.

#### 5.6 Encroachments into City overland drainage easements

- (a) If *encroachments* are within an *overland drainage easement*, the *encroachment* will be reviewed by all affected *City business units* and *utility providers*. If deemed acceptable, an *encroachment consent letter* will be issued.

#### 5.7 Encroachments into City easements (excluding City utility rights-of-way and City overland drainage easements)

- (a) *Encroachments* into a *City easement* (excluding *utility rights-of-way* and *overland drainage easements*) that are encroaching by less than or equal to 0.34 metres will be reviewed by *Real Estate & Development Services*. If deemed acceptable, an *encroachment consent letter* will be issued.
- (b) *Encroachments* into a *City easement* (excluding *utility rights-of-way* and *overland drainage easements*) that are encroaching by more than 0.34 metres will be reviewed by all affected *City business units* and *utility providers*. If deemed acceptable, an *encroachment agreement* will be issued.

#### 5.8 Other encroachments

- (a) **Emergency Accesses:**
  - (i) *Encroachments* extending onto a *City property or interest* that are designated as or are part of an emergency access shall be removed by the *owner* from the affected *City property or interest*.
- (b) **Public Utility Lots (PULs):**
  - (i) PULs that are also considered a *City park* will be dealt with the same as *City-owned land parks* (non-reserve land).
  - (ii) PULs that are NOT considered a *City park* will be dealt with the same as *City-owned land – non-park land*.

(c) **Restrictive covenants:**

- (i) *Real Estate & Development Services* will direct matters relating to *encroachments* into *restrictive covenants* to the *City business unit* who imposed the *restrictive covenant*.

(d) **Signs:**

- (i) *Signs* onto a *City property or interest* are not considered *encroachments* and may require a lease or license of occupation agreement from the *City's* Leasing Department and/or a planning permit from the *City's* Planning and Building Department.

## 6.0 Application and Encroachment agreement Fees

- 6.1 Effective as of the date of approval of these *Encroachment* Guidelines, the Application and *Encroachment* Fee Schedule (the "Fee Schedule") is as set out in Schedule "D".
- 6.2 At all times, an up to date Fee Schedule will be posted on the *City's* external website at [www.calgary.ca/encroachments](http://www.calgary.ca/encroachments).
- 6.3 Total fees are calculated as the application fee plus the *encroachment* fee plus GST and any applicable municipal property taxes or the license fee plus GST plus any applicable municipal property taxes.
- 6.4 *Encroachment agreement* applications for single-family property *encroachments* that existed prior to July 1, 1996 are only subject to payment of the application fee plus GST plus any applicable municipal property taxes.
- 6.5 *Encroachments* identified in Sections 1.1, 1.8, 2.1 and 2.7 of Schedule "A" of the Guidelines are not subject to application and *encroachment* fees.
- 6.6 Where an *encroachment* is created by an *owner* granting land to the *City* (i.e. Dedication Agreement where an existing *encroachment* is allowed to remain), the *City* shall without charge, permit an *encroachment agreement* to be entered into with the *owner*.
- 6.7 *Encroachments* over 3.0 metres into *City-owned land* and/or *streets* require consultation with (circulation to) *City business units* and/or *utility providers* for approval, and will be handed off to *Real Estate & Development Services'* Leasing Department for negotiation and approval of a license of occupation agreement. Fees for *encroachments* into *City-owned land* and/or *streets* by

over 3.0 metres will be at the then rate for Landscaping Licenses or a per square foot fair market value as established by *Real Estate & Development Services*.

- 6.8 In the event an *encroachment* application is denied, all *encroachments* must be removed from the *City property or interest* as evidenced by an updated Real Property Report, and the *owner* will be refunded the *encroachment* fee. The application fee is non-refundable.
- 6.9 Payment of fees, including municipal property taxes, arising from the use of a *City-owned* property or interest in accordance with an *encroachment agreement* or an *encroachment consent letter* shall be the responsibility of the *owner*.
- 6.10 Any additional costs required to facilitate an *encroachment*, including but not limited to a road closure or subdivision application, shall be borne by the *owner*.
- 6.11 Any costs of *utility provider* utility infrastructure relocation or reconstruction required to facilitate an *encroachment* shall be the responsibility of the *owner*.
- 6.12 The Fee Schedule may be revised from time to time by the *Manager, Land & Asset Management* pursuant to the Encroachment Bylaw.

## 7.0 Enforcement

- 7.1 All *encroachments* are enforced by the Encroachment Bylaw.
- 7.2 In addition to the Encroachment Bylaw, additional enforcement is identified within:
  - (a) The *Street* Bylaw 20M88, for *encroachments* into *streets*; and
  - (b) The *Drainage* Bylaw 37M2005, for *encroachments* into *overland drainage easements*.
- 7.3 If an *encroachment* has been identified on a *City property or interest* the *City* will notify an *owner* and the *owner* must make an *encroachment* application should the *owner* wish the *encroachment* to remain.
- 7.4 If the *owner* applies for an *encroachment agreement* and the application is approved, the *owner* must enter into an *encroachment agreement* with the





*City* and pay to the *City* all applicable fees, failing which the *owner* must remove the *encroachment*.

- 7.5 If the *owner* applies for an *encroachment agreement* and the application is denied, the *owner* must remove the *encroachment* and is responsible for all costs relating to same.
- 7.6 If the *owner* does not apply for an *encroachment agreement* a, the *owner* must remove the *encroachment* and is responsible for all costs relating to same.
- 7.7 **Encroachment Removal Notice Process:**
  - (a) **Written Notice**
    - (i) The *owner* will be notified in writing advising of the *encroachment(s)* to be removed from a *City property or interest*, the timeframe within which the *encroachment(s)* must be removed and any conditions of removal such as the requirement to provide an updated Real Property Report evidencing removal of the *encroachment(s)*.
  - (b) **Referral to Bylaw Enforcement**
    - (i) If the removal timeframe in the written notice has passed and the *owner* has not removed the *encroachment(s)*, the situation will be referred to the Law Department and/or a bylaw enforcement *officer* for immediate action.

## 8.0 Complaints

*Encroachments* identified by public complaints or by *City personnel* will be referred to *Real Estate & Development Services*.

### 8.1 Investigation

- (a) A background investigation will be undertaken by *Real Estate & Development Services* to determine if the *encroachment* has been previously authorized.
- (b) If the *encroachment* has not been previously authorized, an investigation will be undertaken by *Real Estate & Development Services* to determine if the *encroachment* resulted from an error, no



*utility right-of-way* or *easement* registered, road plan after the fact, permit issued, or similar situations.

- (c) *Real Estate & Development Services* will undertake a review of the *encroachment* which may include a site inspection and consultation with *City business units* and *utility providers* to determine if the *encroachment* should be authorized or removed.

## 8.2 Verification

- (a) At the discretion of *Real Estate & Development Services, Manager, Land & Asset Management*, a survey or a Real Property Report, may be undertaken to confirm the extent of the *encroachment*. If the survey verifies that the *encroachment* exists, the *City* may seek to recover the costs of the survey from the *owner*.

## 8.3 Written Notice

- (a) Depending on the investigation, the *owner* will be notified by mail advising the *owner* of the possible *encroachment(s)* and requiring the *owner* to either apply for an *encroachment agreement* or remove the *encroachment(s)* within a certain timeframe. *Owners* who are requesting *encroachment* approval into a *City property or interest* are required to submit a Real Property Report.

## 8.4 Referral to Bylaw Enforcement

- (a) If the timeframe identified in the written notice to either remove the *encroachment(s)* or to apply for an *encroachment agreement* has passed and the *owner* has not made application for an *encroachment agreement* or removed the *encroachment(s)*, the situation will be referred to the Law Department and/or a bylaw enforcement *officer* for immediate action.

## 9.0 Definitions

- 9.1 “*Calgary Parks*” means the *City’s* Calgary Parks business unit;
- 9.2 “*certificate of title*” means the record of the title to land that is maintained by the Registrar as defined in the *Land Titles Act*, RSA 2000, c L-4;



- 9.3 “City” means the municipal corporation of The City of Calgary or the area contained within the boundaries of Calgary, Alberta where the context so requires;
- 9.4 “City business unit” means a City department;
- 9.5 “City-owned land” means any land owned by the City for which a *certificate of title* has been obtained or any interest in land that vests in the City by virtue of the *Municipal Government Act*, RSA 2000, c. M-26, as amended, or other legislation and includes *park or reserve land*;
- 9.6 “City property or interest” means any of *City-owned land*, *street*, or *easement* and anything included in the definition of one of those terms;
- 9.7 “Council” means the municipal Council of the City;
- 9.8 “developer fence” means a *fence* installed under a subdivision development agreement which is usually of a consistent style and is continuous along two or more lots and includes a *fence* that provides a buffer from a major or higher standard road or is used to separate a parcel or parcels of land from a *park* or public open space;
- 9.9 “Director, Calgary Parks” has the same meaning as in the Parks and Pathways Bylaw 11M2019;
- 9.10 “driveway” means a short private access road leading from a *City street* to a private attached or detached garage;
- 9.11 “driveway apron” means the section of the *driveway* that connects to the *street*;
- 9.12 “easement” means any *easement* granted to the City for any purpose and includes *utility rights-of-way* and *overland drainage easements* and which are registered on a *certificate of title*, by a registered plan under the *Land Titles Act*, RSA 2000, c L-4 by description or by caveat and documented by an *easement* agreement;
- 9.13 “encroachment” means anything *placed* with a fixed location on the ground or attached to something having a fixed location on the ground that extends on, over, or under a *City property or interest*, including the immediate airspace, and includes, but is not limited to, the following:

- (a) improvements as defined in the Alberta Land Surveyors' Association Manual of Standard Practice, 2019, as amended from time to time;
- (b) buildings and all projections including eaves, cantilevers, or similar and siding;
- (c) sheds, including those attached to a dwelling or *fence*;
- (d) *fences*;
- (e) asphalt, concrete or brick sidewalks, curbs, parking pads, *driveway aprons* or *driveways*;
- (f) structures such as decks, stairs, patios, pergolas, gazebos or similar;
- (g) extension of adjacent lands by fill;
- (h) *walls*;
- (i) swimming pools and hot tubs;
- (j) shrubs, hedges, trees or other organic landscape materials; and
- (k) hard landscaping including, but not limited to structures, fire pits, planters, or similar;

but does not include sound attenuation structures as required by the *City*;

- 9.14 "*encroachment agreement*" means an encroachment agreement or license of occupation entered into pursuant to the Real Property Bylaw 52M2009 to approve an *encroachment* being *placed*;
- 9.15 "*encroachment consent letter*" means a letter issued by the *City* to an *owner* consenting to an *encroachment* subject to the terms and conditions set out in the letter;
- 9.16 "*fence*" means any barrier, railing, or upright structure typically made of wood, metal, or glass, that encloses an area or marks a boundary and includes a *developer fence* but does not include a *wall*;
- 9.17 "*Manager, Land & Asset Management*" means the *City* employee appointed to the position of Manager, Land & Asset Management or that *person's* designate;

- 9.18 “*officer*” means a bylaw enforcement officer appointed pursuant to Bylaw 60M86, a peace officer appointed pursuant to the *Peace Officer Act*, SA 2006, c. P-3.5, or a police officer under the *Police Act*, RSA 2000, c P-17;
- 9.19 “*overland drainage easement*” means a *City easement* for the construction, operation, inspection, maintenance, repair and replacement of any facility or facilities for the drainage or control of storm water including, but not limited to:
- (a) a grass swale;
  - (b) a concrete or asphalt walkway, gutter or swale;
  - (c) a drainage control *fence* or structure; and
  - (d) the sloping and contouring of land to facilitate the drainage or control of storm water;
- 9.20 “*owner*” means a *person* shown as an owner of a property on a *certificate of title*, and, in relation to a specific *encroachment*, is the *person* whose property:
- (a) is encumbered by a *City property or interest* upon which the *encroachment* is *placed* in whole or in part;
  - (b) benefits from the *encroachment placed* upon an adjacent *City property or interest*; or
  - (c) the *encroachment* originates from;
- 9.21 “*park*” means a public space controlled by the *City* and set aside as a park to be used for rest, recreation, exercise, pleasure, amusement, cultural heritage, education, appreciation of nature, and enjoyment and includes:
- (a) playgrounds;
  - (b) cemeteries;
  - (c) natural areas;
  - (d) sports fields;
  - (e) pathways;
  - (f) trails; and



- (g) park roadways;  
but does not include golf courses;
- 9.22 “*person*” means an individual or a business entity including a firm, partnership, association, corporation or society;
- 9.23 “*place*” or “*placed*” means any type of action taken to construct, create, erect, or build, or cause to be constructed, created, erected, or built, a portion or all of an *encroachment* and includes any act of planting or gardening;
- 9.24 “*reserve land*” means any parcel designated as Municipal Reserve, Environmental Reserve, Municipal and School Reserve, School Reserve, Conservation Reserve or Community Services Reserve, as defined in the *Municipal Government Act*, RSA 2000, c. M-26, as amended, or designated as “reserve” as defined by any former Planning Acts, including, but not limited to the former *The Planning Act* RSA 1970 c 276 and *The Planning Act* SA 1977 c 89 or noted as Community Reserve on a *certificate of title*;
- 9.25 “*restrictive covenant*” means an agreement that restricts the use or occupancy of a property;
- 9.26 “*Real Estate & Development Services*” means the *City’s* Real Estate & Development Services business unit;
- 9.27 “*sign*” means an inscribed board, bill, placard, poster, banner, flag or device which is intended to promote anything or inform anyone;
- 9.28 “*street*” means any thoroughfare, highway, road, roadway, trail, avenue, parkway, *driveway*, viaduct, lane, alley, square, bridge, causeway, trestleway, or other place, any part of which the public is ordinarily entitled or permitted to use for the passage or parking of vehicles and includes sidewalks, ditches, and boulevards;
- 9.29 “*utility provider*” means the *City* or a third party utility provider that operates one or more of the following: water, sewer, electrical distribution and/or transmission lines, thermal or other energy services, telecommunication lines, shallow utilities, oil and natural gas lines or transit infrastructure and who has authority to access and use a *utility right-of-way* to construct, install, maintain, repair, replace and operate its utility infrastructure pursuant to the Municipal Rights-of-Way Bylaw 17M2016 or pursuant to a *utility right-of-way agreement*;



- 9.30 “*utility right-of-way*” means a *utility right-of-way* that contains any *utility provider* lines, systems, infrastructure or other facilities relating to any one or more of the following, which is registered on the *certificate of title*, by a registered plan pursuant to the *Land Titles Act*, RSA 2000, c L-4 or by description and documented by a *utility right-of-way agreement* granted to the *City* for:
- (a) systems for the production or distribution of gas, whether artificial or natural;
  - (b) the distribution or transmission of electricity, telephone, cable, television or telecommunications;
  - (c) transit infrastructure;
  - (d) facilities for storage, transmission, treatment, distribution or supply of water;
  - (e) facilities for the collection, treatment, movement or disposal of sanitary sewage, including but not limited to pipes, force mains, and pumping stations; and
  - (f) the drainage, collection, treatment, movement, or disposal of storm water, including but not limited to collection devices, drainage swales, pipes, pumping stations, storm water ponds and wetlands, except those facilities within an *overland drainage easement*, that are regulated under Drainage Bylaw 37M2005;
- 9.31 “*utility right-of-way agreement*” means an agreement documenting a *utility right-of-way* granted to the *City* for the construction, installation, maintenance, repair, replacement and operation of a *utility provider’s* utility infrastructure;
- 9.32 “*wall*” means both structural and non-structural walls including:
- (a) structural support walls, retaining walls or any other walls constructed for a purpose other than aesthetics; and
  - (b) decorative walls constructed of stone or other material erected for the sole purpose of providing a decorative and/or landscape feature;

9.33 “*written authorization*” means an authorization provided in writing to approve an *encroachment* made by either:

- (a) the *Manager, Land & Asset Management* for *encroachments* onto *City-owned land, streets* or *easements*; or
- (b) the *Director, Calgary Parks* for *encroachments* onto a *park*;

and includes, but is not limited to, an *encroachment agreement*, *encroachment consent letter*, or a stamped Real Property Report.

## Schedule "A"

### 1.0 Encroachments into a street (Real Estate & Development Services encroachment consent letter process):

- 1.1 Structures which provide direct access to a dwelling, including:
  - (a) Front *driveways* of any material leading to a garage;
  - (b) Sidewalks to a maximum width of 2.0 metres;
  - (c) Special needs access ramps, elevators, fire escapes, or similar; and
  - (d) Steps to a maximum width of 2.0 metres which provide access to a residential dwelling excluding secondary suites and excluding *walls* or landscape features that are in the opinion of the *City* considered to be features not directly benefiting the access.
- 1.2 *Driveways*, including *driveway aprons*, which access lanes:
  - (a) Which are constructed of asphalt, gravel, or shale;
  - (b) Which are constructed of concrete or other like material and which encroach not more than 0.34 metres into a gravel lane; and
  - (c) Which are hard surfaced and which encroach into a hard surfaced (asphalt or concrete) lane.
- 1.3 *Fences*:
  - (a) Encroaching not more than 0.34 metres where the *fence* creates an enclosure;
  - (b) Encroaching to the back of the sidewalk or to 1.0 metres from the back of the curb or 1.5m from the lip-of-gutter (if there is no sidewalk) where the *fence* is a linear projection of a *fence* on the *owner's* property EXCEPT where adjacent to a *street*; and
  - (c) Developer fences required under development agreements.
- 1.4 Portable sheds:
  - (a) Under 10.0 square metres (107.6 square feet); and
  - (b) Encroaching not more than 0.34 metres including any eaves.
- 1.5 *Walls*:
  - (a) Not more than 0.24 metres in height and where not located adjacent to above ground *utility provider* surface facilities.





- 1.6 Non-permanent surface improvements including:
  - (a) Moveable planters including any movable border material (i.e. plastic, concrete, timber sections under 0.24 metres in height);
  - (b) Surface level rocks not more than 0.24 metres in height; and
  - (c) Interlocking brick or asphalt.
- 1.7 Eaves, window wells and cantilevers:
  - (a) Encroaching by less than or equal to 0.14m into a *street*.
- 1.8 Any *encroachment* constructed for valid municipal purposes by the *City* or its agents (i.e. bollards, sound barriers, *developer fences*, subdivision entrance *signs*, guard rails, or similar structures).
- 1.9 Unless otherwise specified in Schedule “A”, non-permanent structures (no footings or foundations) that encroach by less than or equal to 0.34 metres into a *street*.

## **2.0 Encroachments into a utility right-of-way (Real Estate & Development Services encroachment consent letter process):**

- 2.1 Structures which provide direct access to a dwelling, including:
  - (a) *Driveways* of any material, including *driveway aprons*, leading to a garage, which cross over any *utility right-of-way* and do not run parallel to it;
  - (b) Sidewalks to a maximum width of 2.0 metres;
  - (c) Special needs access ramps, elevators, fire escapes, or similar;
  - (d) Steps to a maximum of width of 2.0 metres which provide access to a residential dwelling excluding secondary suites and excluding *walls* or landscape structures that are in the opinion of the *City* considered to be features not directly benefitting the access; and
  - (e) Self-supporting steps over a *utility right-of-way* which provide access to a building.
- 2.2 *Fences*:
  - (a) Encroaching not more than 0.34 metres where the *fence* creates an enclosure;
  - (b) Encroaching to the back of the sidewalk or 1.0 metres from the back of the curb or 1.5m from the lip-of-gutter (if there is no sidewalk)

where the *fence* is a linear projection of a *fence* on the *owner's* property EXCEPT where adjacent to a *street*; and

- (c) Developer fences required under development agreements.

2.3 Portable sheds:

- (a) Under 10.0 square metres (107.6 square feet).

2.4 *Walls*:

- (a) Not more than 0.24 metres in height and where not located adjacent to above ground *utility provider* surface facilities.

2.5 Non-permanent surface improvements including:

- (a) Moveable planters including any moveable border material (i.e. plastic, concrete, timber sections not more than 0.24 metres in height);
- (b) Surface levels rocks not more than 0.24 metres in height; and
- (c) Interlocking bricks.

2.6 Eaves, window wells and cantilevers:

- (a) Encroaching by less than or equal to 0.14 metres into a *utility right-of-way*.

2.7 Any *encroachment* constructed for valid municipal purposes by the *City* or its agents (i.e. bollards, sound barriers, *developer fences*, subdivision entrance *signs*, guard rails, or similar structures).

2.8 Unless otherwise specified in Schedule “A”, non-permanent structures (no footings or foundations) that encroach by less than or equal to 0.15 metres into a *utility right-of-way* that is 2.4 metres or less in width.

2.9 Unless otherwise specified in Schedule “A”, non-permanent structures (no footings or foundations) that encroach by less than or equal to 0.34 metres into a *utility right-of-way* that is 3.5 metres or greater in width.

## Schedule "B"

### 1.0 Encroachments into a street or utility right-of-way (non-circulation process), encroachment agreement required:

- 1.1 Residential footings for buildings or structures encroaching not more than 0.34 metres into a *utility right-of-way*, wherein the building or structure is not encroaching, will be accepted;
- 1.2 Where the building or structure does not encroach, residential building eaves encroaching not more than 0.64 metres into a *utility right-of-way* above a height of 2.4 metres above grade will be authorized, except where adjacent to or located on lands with an overhead electrical line requiring minimum clearance; and
- 1.3 Where an *encroachment* is created by an *owner* granting land to the *City* for *street* (i.e. a Dedication Agreement where an existing *encroachment* is allowed to remain), the *City* shall without charge permit an *encroachment agreement* to be entered into with the *owner*, the removal period to be negotiated as part of the purchase or dedication.

## Schedule "C"

### Real Estate & Development Services Process

#### 1.0 Applications

Applications for *encroachment agreements* will be made to Real Estate & Development Service. If within:

- (a) the guidelines set out in Schedule "A", the *owner* will be issued an *encroachment consent letter* and pay the applicable Schedule "A" *encroachment* fee.
- (b) the guidelines set out in Schedule "B", the *owner* will be asked to provide:
  - (1) a completed [Application Form](#);
  - (2) an original copy of a Real Property Report with Certificate of Compliance or Development Permit Stamp detailing the property and the extent of the *encroachment*;
  - (3) a current copy of the *certificate of title* to the *owner's* property;
  - (4) photographs of the *encroachment* sent via email to [Encroachments@calgary.ca](mailto:Encroachments@calgary.ca); and
  - (5) payment of application and *encroachment* fees by cheque, money order, bank draft or [online payment](#).

Upon receipt of items 1 through 5 an agreement will be issued for execution by the *owner*.

If NOT within the guidelines set out in Schedules "A" or "B", and not identified within these Guidelines as not permitted, a circulation will be done to determine the acceptability of the *encroachment* (the *owner* will be required to provide items 1 through 5 as above). If acceptable the appropriate agreement will be issued. If unacceptable the *owner* will be required to remove the *encroachment*.

## Schedule "D" – Application and Encroachment Fee Schedule



### APPLICATION AND ENCROACHMENT FEE SCHEDULE

Effective: March 16, 2020

*\*Total fees are calculated as the application fee plus the encroachment fee plus GST and any municipal property taxes or the license fee plus GST plus any applicable municipal property taxes.*

MRER2020-20  
ATTACHMENT 4

Encroachment Type	Agreement Type	Single-Family Residential Properties		Multi-Family Residential, Commercial, Industrial and Retail Properties	
		Application Fee*	Encroachment Fee*	Application Fee*	Encroachment Fee*
Into Streets (i.e. lanes and boulevards):					
Schedule A – no circulation required (Sections 1.1 and 1.8 are exempt from all fees and Encroachment Consent Letter)	Encroachment Consent Letter	\$50	None	\$100	None
Schedule B – no circulation required	Encroachment Agreement	\$50	\$150	\$100	\$300
Schedule C – approved circulation required Between 0.34m and 1.0m	Encroachment Agreement	\$200	\$300	\$300	\$700
Schedule C – approved circulation required Between 1.0m and 2.0m	Encroachment Agreement	\$200	\$500	\$300	\$1,200
Schedule C – approved circulation required Between 2.0m and 3.0m	Encroachment Agreement	\$200	\$700	\$300	\$1,700
Approved circulation and license required – Greater than 3.0m	License of Occupation	\$1,500 one-time license fee or fair market value as determined by Real Estate & Development Services.		Fair market value as determined by Real Estate & Development Services.	
Into Utility Rights-of-Way (URWs):					
Schedule A – no circulation required (Sections 2.1 and 2.7 are exempt from all fees and Encroachment Consent Letter)	Encroachment Consent Letter	\$50	None	\$100	None
Schedule B – no circulation required	Encroachment Agreement	\$50	\$150	\$100	\$300
Schedule C – approved circulation required	Encroachment Agreement	\$200	\$300	\$300	\$700
Withdrawal & Discharge of URW request – approved circulation required	Withdrawal & Discharge of URW	\$200	N/A	\$300	N/A
Into City-owned land – non-park land:					
No circulation required – Less than 0.34m	Encroachment Consent Letter	\$50	None	\$100	None
Approved circulation required – Between 0.34m and 1.0m	Encroachment Agreement	\$200	\$300	\$300	\$700
Approved circulation required – Between 1.0m and 2.0m	Encroachment Agreement	\$200	\$500	\$300	\$1,200
Approved circulation required – Between 2.0m and 3.0m	Encroachment Agreement	\$200	\$700	\$300	\$1,700
Approved circulation and license required – Greater than 3.0m	License of Occupation	\$1,500 one-time license fee or fair market value as determined by Real Estate & Development Services.		Fair market value as determined by Real Estate & Development Services.	
Into Overland Drainage Easements (ODRWs):					
Approved circulation required	Encroachment Consent Letter	\$50	None	\$100	None
Into Easements (excluding URWs and ODRWs):					
No circulation required – Less than 0.34m	Encroachment Consent Letter	\$50	None	\$100	None
Approved circulation required – Greater than 0.34m	Encroachment Agreement	\$200	\$300	\$300	\$700

UCS2020-XXXX Proposed Encroachment Bylaw – Att 4  
ISC: Unrestricted





# APPLICATION AND ENCROACHMENT FEE SCHEDULE

Effective: March 16, 2020

*\*Total fees are calculated as the application fee plus the encroachment fee plus GST and any municipal property taxes or the license fee plus GST plus any applicable municipal property taxes.*

UCS2020-0228  
ATTACHMENT 4

Encroachment Type	Agreement Type	Single-Family Residential Properties		Multi-Family Residential, Commercial, Industrial and Retail Properties	
		Application Fee*	Encroachment Fee*	Application Fee*	Encroachment Fee*
Into Streets (i.e. lanes and boulevards):					
Schedule A – no circulation required (Sections 1.1 and 1.8 are exempt from all fees and Encroachment Consent Letter)	Encroachment Consent Letter	\$50	None	\$100	None
Schedule B – no circulation required	Encroachment Agreement	\$50	\$150	\$100	\$300
Schedule C – approved circulation required Between 0.34m and 1.0m	Encroachment Agreement	\$200	\$300	\$300	\$700
Schedule C – approved circulation required Between 1.0m and 2.0m	Encroachment Agreement	\$200	\$500	\$300	\$1,200
Schedule C – approved circulation required Between 2.0m and 3.0m	Encroachment Agreement	\$200	\$700	\$300	\$1,700
Approved circulation and license required – Greater than 3.0m	License of Occupation	\$1,500 one-time license fee or fair market value as determined by Real Estate & Development Services.		Fair market value as determined by Real Estate & Development Services.	
Into Utility Rights-of-Way (URWs):					
Schedule A – no circulation required (Sections 2.1 and 2.7 are exempt from all fees and Encroachment Consent Letter)	Encroachment Consent Letter	\$50	None	\$100	None
Schedule B – no circulation required	Encroachment Agreement	\$50	\$150	\$100	\$300
Schedule C – approved circulation required	Encroachment Agreement	\$200	\$300	\$300	\$700
Withdrawal & Discharge of URW request – approved circulation required	Withdrawal & Discharge of URW	\$200	N/A	\$300	N/A
Into City-owned land – non-park land:					
No circulation required – Less than 0.34m	Encroachment Consent Letter	\$50	None	\$100	None
Approved circulation required – Between 0.34m and 1.0m	Encroachment Agreement	\$200	\$300	\$300	\$700
Approved circulation required – Between 1.0m and 2.0m	Encroachment Agreement	\$200	\$500	\$300	\$1,200
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Approved circulation and license required – Greater than 3.0m	License of Occupation	\$1,500 one-time license fee or fair market value as determined by Real Estate & Development Services.		Fair market value as determined by Real Estate & Development Services.	
Into Overland Drainage Easements (ODRWs):					
Approved circulation required	Encroachment Consent Letter	\$50	None	\$100	None
Into Easements (excluding URWs and ODRWs):					
No circulation required – Less than 0.34m	Encroachment Consent Letter	\$50	None	\$100	None
Approved circulation required – Greater than 0.34m	Encroachment Agreement	\$200	\$300	\$300	\$700