



Meeting Date: May 11, 2020
Department: Community and Development Services
Report No.: BBP-2026-43
Submitted by: Ben Hartman, Manger of Building Services and Chief Building Official
Approved by: Robert Lilbourne, Director, Community and Development Services

SUBJECT: Encroachment By-Law Review

RECOMMENDATION: THAT: Council receive the Encroachment By-law Review Report BBP-2026-43 for information.

BACKGROUND:

Staff continue to review and modernize municipal by-laws to ensure consistency, enforceability, and alignment with current municipal practices. A draft Encroachment By-law was previously presented to Council in 2024 and was deferred to a future Strategic Priorities Committee meeting for further consideration. Since that time, the by-law has been refined through internal review and legal consultation and is being brought forward in its updated form.

COMMENTS:

The draft Encroachment By-law establishes a clear and consistent process for permitting and regulating encroachments on municipal lands, including road allowances. Common encroachments include features such as fences and landscaping, retaining walls, steps, decks and porches, as well as building projections like eaves and balconies.

The updated draft has undergone internal review and has also been reviewed by legal counsel from the County of Middlesex, including Mark Donnell and David Samuels.

As part of this work, staff explored the implementation of a fee structure designed to ensure full cost recovery while remaining fair and proportionate. The proposed structure includes:

- A fixed administrative fee to recover staff time associated with processing applications;
- Full recovery of any legal costs incurred; and
- An annual fee based on the area of municipal land occupied.

This approach represents a balanced model that combines cost recovery with land value considerations, ensuring that fees align with the extent and impact of each encroachment.

The proposed rate of \$5.00 per square metre for residential encroachments is intended to remain affordable while acknowledging the private use of public land. A higher rate of \$10.00 per square metre is proposed for commercial encroachments, reflecting their increased impact and associated value. Minimum annual fees are also included to ensure administrative costs are covered, even for smaller encroachments.

Proposed Fee Structure

Application / Administration Fee: \$250.00 per agreement

Legal Costs: 100% recovered from the applicant

Annual Encroachment Fee:

- \$5.00 per square metre, with a minimum annual fee of \$150.00
- \$10.00 per square metre for commercial or non-residential encroachments, with a minimum annual fee of \$300.00

Municipal Comparison

A scan of encroachment agreement fees across Ontario municipalities shows the following typical annual ranges:

- City of London: \$150–\$300
- City of Kitchener: \$175–\$400
- City of Windsor: \$100–\$250
- City of Hamilton: \$300–\$600
- City of Ottawa: \$500+
- Town of Oakville: \$300–\$700
- City of Sarnia: \$100–\$250

Overall, the proposed fee structure for Strathroy-Caradoc falls within the lower-to-mid range of comparable municipalities and staff feel is appropriate given the Municipality's size, service levels, and administrative requirements

CONSULTATION:

Ben Hartman – Manager, Building Services and CBO

Cody Johnson, By-law Officer

Ryan George, By-law Officer

Jennifer Pereira, Director of Legal and Legislative Services

Rob Lilbourne, Director of Community and Development Services

County of Middlesex, Lawyers

STRATEGIC PLAN ALIGNMENT:

This matter is in accord with the following strategic priorities: Managing the Challenges of Growth for the Municipal Organization

FINANCIAL IMPLICATIONS:

None at this time

ATTACHMENTS:

Draft Encroachment By-law

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