



## INFRASTRUCTURE SERVICES *Staff Report*

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REPORT NO: IS-2025-18

TO: Council

SUBMITTED BY: Jeff Molenhuis, Director of Infrastructure Services

PREPARED BY: Amy Kroetsch, Engineering and Corridor Management Technologist

REVIEWED BY: Greg Clark, Acting Chief Administrative Officer

DATE: 2025-05-05

SUBJECT: **Township of Wilmot Encroachment By-Law implementation**

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### RECOMMENDATION:

THAT Report IS-2025-18, Township of Wilmot Encroachment By-law Implementation be received for information; and,

THAT Council direct staff to initiate a comment period of approximately three (3) months on the Township's Website regarding the draft Encroachment By-law; and,

THAT Council direct staff to present an Encroachment By-law for consideration at the September 8, 2025 Committee of the Whole meeting.

### SUMMARY:

An Encroachment By-Law, which is common for municipalities throughout Ontario, does not currently exist within the Township of Wilmot By-Laws.

The proposed Encroachment By-Law is intended to provide direction to right of way adjacent property owners, and a guide for enforcement officers in the management of Township Right of Way property.

### BACKGROUND:

While the Township has a process for property owners to request Encroachment Agreements, it lacks a defined By-Law to reference in these matters.

Existing By-Laws within the Township related to Fences, and Property Standards do not extend to the degree that the Encroachment By-law encompasses with respect to the right of way.

### REPORT:

The Township of Wilmot has received several requests for review through our By-Law officers, public works department and residents inquiring about private construction of structures within the Right of Way of the Township. Many of these requests are in reference to fences or gardens that are installed within the Township Right of Way within the boulevard.

This Encroachment Bylaw is proposed as a means of reference to enforce the removals of encroachments that prevent maintenance, access or cause hazards for Township property as well as to provide guidance for future requests of encroachment within the Township Right of Way property.

The Township has a Right of Way By-law, By-law 2022-046 to regulate the work on highways within the Township. The Right of Way By-law does not apply to a person who has entered into an agreement with the Township which permits them to undertake work on the highway.

A gap analysis report provided by consultants June 2024 identified as a major item within a list of recommendations to create a by-law or policy about encroachments. Encroachments into the road rights-of-way, either underground, surface or aerially can affect the Townships overall Right of Way management strategy.

The development of this Encroachment By-law included reference and consideration to the existing Township By-laws pertaining to Right of Way, Signs, Fences, Traffic and Property Standards to maintain clarity and consistency.

Encroachment By-laws and policy of the Town of Caledon, City of Guelph and City of Mississauga were reviewed as reference for the basis of this By-law.

### ALIGNMENT WITH THE TOWNSHIP OF WILMOT STRATEGIC PLAN:

Financial Stability

### FINANCIAL CONSIDERATIONS:

None

### ATTACHMENTS:

2025-xx Encroachment By-Law

