



Encroachments Policy

Policy Manual Section: Municipal Services – Planning & Development

Policy Number: M-DSI-001

Authority: 8026/07

Date Approved: July 10, 2007

Department Responsible: Planning and Development, Administration – Legal

Revision Date: n/a

Review Date: August 2024

Status: Active

Purpose:

To provide a policy to respond to requests from individual property owners to enter into encroachment agreements to recognize the public use of unopened road allowances for existing vehicular driveways

Policy Statement:

The Town of LaSalle wishes to ensure a clear and efficient process for property owners to enter into encroachment agreements pertaining to the use of an unopened municipal road allowance.

Scope:

Applies to all requests from property owners who request to enter into an encroachment agreement for the public use of unopened road allowances for an existing vehicular driveway.

Policy:

1. Encroachment agreements should only be used in instances where an abutting property owner wishes to utilize an existing driveway from an exterior side yard or a residential dwelling situated on a lot which derives its access to/from and has frontage onto an existing publicly owned and maintained road.
2. Individual encroachment agreements will include that the affected property owner:



- Pays all of the costs to construct and maintain the private residential driveway
 - Maintains liability insurance in an amount as specified by the Town Solicitor in order to hold harmless the Corporation in the event of an accident while using a motorized vehicle on the private driveway
 - Pays all legal, surveying and administrative costs.
3. All requests to construct a new driveway on an unopened right of way will require the applicant to purchase all or a portion of the unopened right of way. No new right of way for driveway will be permissible.
4. Additional requirements pertaining to the use of an unopened municipal road allowance will also be incorporated within each individual agreement.

Policy Review

This policy will be periodically reviewed and updated as required. This policy must be reviewed by the stated review date and approved by the responsible department.

References and Related Documents:

By-law #7946 amending By-law 7762 –Delegate to Administration the Authority to process, make decisions on, and to execute agreements for certain matters. (Council delegates the Chief Administrative Officer of the Town of LaSalle authority to process, decide upon and issue decisions for encroachments).

Attachments:

None.