

Encroachments are a PROBLEM

What is an Encroachment?

An encroachment is any type of vegetation, man-made object or item of personal property of a person which exists wholly upon, or extends from a person's premises onto, public lands and including any aerial, surface or subsurface encroachments, either deliberately or inadvertently. Encroachment results from any use of City owned land by individuals or businesses for their own purposes.

The By-Law

Encroachments are illegal under By-Law 0057-2004.

No person shall erect, place or maintain, or cause to be erected, placed or maintained, an encroachment of any kind on public lands, or on any right-of-way or easement in favour of the City, except where permitted to do so in accordance with this by-law.

How do I report an Encroachment?

To report encroachments in *City Parks or greenspace*, please contact:

Parks Mississauga at **905-615-4100**

To report encroachments *within the road allowance*, please contact:

Mississauga Works at **905-615-3033**

For *more information about the Encroachment By-law*, please contact

By-law Enforcement at **905-895-5655**

Next steps...

Where the City becomes aware of an unauthorized encroachment, the City may give Notice in writing to the owner of the premises apparently responsible for the unauthorized encroachment. The Notice will require the owner to remove, fill in or close up the encroachment and to restore the public lands to their former condition at the expense of the owner.

Where the required action to remove the encroachment is not completed within the timeframe stipulated on the Notice, the City may, on behalf of the owner, remove, fill in or close up the unauthorized encroachment. The City will restore the public lands to their former condition at the expense of the owner, and any expenses will be recovered from the owner.

Any materials or structures forming part of or attached to the encroachment and removed by the City may either be deposited at the owner's premises or be stored for thirty (30) days at the owner's expense. Any items so stored and not claimed by the owner within the thirty (30) day period will be disposed of by the City in such manner as it deems appropriate.

Authorized Encroachments

In certain circumstances, the City may agree that an adjacent property owner may be permitted to use City property. An Encroachment Agreement may be sought through an application process. City staff will review the application to determine whether the encroachment onto public lands can be tolerated. The application is subject to a non-refundable fee, and may be obtained from the Realty Services Section. For further information call 905-896-5428.



Are you encroaching on City property?



Encroachments on City property

The unauthorized use of City property is illegal. Some examples of illegal encroachments include:

- Play structures including sand boxes, gyms, playhouses, swings, slides and tree houses.
- Stairs, railings, patios, down spouts, lighting, bug zappers, decks and recreation structures (volleyball nets etc.), deck footings and paved surfaces.
- Unauthorized pathways (paved or unpaved).
- Vehicles parked on public land offered for retail sale.
- Fence gates to access storm water management areas or parkland.
- Garden/storage shed, trailers, campers, boats and building materials (wood/bricks/blocks, etc.).
- Garden composters (plastic/wood/concrete).
- Flower beds, vegetable gardens and irrigation systems.
- Unauthorized mowing, cutting, pruning, watering and removal of: grass/turf, ground cover, wildflowers, shrubs and trees.
- Unauthorized application of pesticides on City property by adjacent property owners.
- Dumping/storage of leaves, brush and garden waste (fire hazards).



Fences, private use, damage to City trees



Retail parking damages grass and tree roots by compacting the soil, and reduces the City's ability to perform regular maintenance

The effects of encroachments

The City of Mississauga is concerned with encroachments on public lands for the following reasons:

- *Public Safety*
- *Environmental Damage: Encroachments can damage the natural environment and cause irreparable damage to ecologically sensitive ecosystems. The City acts on behalf of the residents as stewards of all public lands to ensure the natural features are protected.*
- *Restoration Costs*

The City carries out various maintenance activities throughout the year within the road allowance. These activities include sidewalk and curb repair, road surface maintenance, snow plowing and roadway and sidewalk sweeping.

Driveway curbs, ornamental walls, hedges or fences should be kept three feet behind the sidewalk or roadway to ensure that maintenance activities can be carried out safely. The City cannot accept any responsibility for damage caused to items placed on City property.

Encroachments may increase costs to the taxpayer for removal of encroachment and restoration of public lands.

- *Protection of Public and adjacent private property*

Encroachments restrict or limit the use and enjoyment of public lands which are maintained by the City for the benefit of all its residents. Property owners who encroach on public lands will be held responsible for any claims resulting in bodily injury or property damage related to the encroachment.

- *Protection of Public Access*

Encroachments reduce the parkland available to the general public.

The City needs your cooperation and support in addressing the problem of encroachments on public land.

Encroachment By-law information is available at www.mississauga.ca/bylaws or the City Clerk's Office, 3rd Floor, 300 City Centre Drive.

Backyard gardens affect City's naturalization plans and wildlife



Storage and/or dumping



Recreational structure and private landscaping on City parkland

