

Encroachment Agreement Application

Corporate Business Services
Realty Services
300 City Centre Drive
Mississauga, Ontario L5B 3C1
905-615-3200, ext. 5428
www.mississauga.ca



The personal information on this form is collected under authority of Section 11 of the *Municipal Act, 2001*, and City of Mississauga [Encroachment By-law 57-04](#), as amended. The information will be used to evaluate applications and to potentially prepare encroachment agreements. Questions about the collection of personal information should be directed to the Manager, Realty Services, City of Mississauga, 300 City Centre Drive, Mississauga, Ontario, L5B 3C1, Tel. 905-615-3200, ext. 5431.

Please read the following carefully:

1. If the applicant does not own the property, an Acknowledgement and Authorization form must be signed by the registered property owner showing that the applicant is authorized to represent the property owner.
2. If the property owner is a Corporation, please include a copy of the Articles of Incorporation (or Letters Patent).
3. If the property owner is a Partnership, please include a copy of the partnership registration from the Province of Ontario.
4. Please prepare and include a detailed drawing on (8.5 x 14 size paper) depicting the property boundaries, the City's property boundaries and the size and location of the items encroaching onto the City's property. This drawing is to be prepared by an Engineer, Architect or Surveyor.
5. Depending on the nature and extent of the encroachments involved, City staff may require that a written contractor's estimate showing the costs for the removal of the encroachment if necessary.
6. If your property is subject to any other notices, citations, orders or permits issued by the City of Mississauga, Region of Peel or any Conservation Authority having jurisdiction, please include complete copies including any corresponding application numbers.
7. If this application is being submitted because of a Notice received from the City of Mississauga's By-law Enforcement Division, please include copies of all letters/emails/communication relating to that Notice.
8. If this application is being submitted because of a Development related application, please include the application number and copies of all letters/emails/communication relating to the development application.
9. If the application is approved, the applicant will need an insurance policy with a minimum amount of \$2,000,000 up to \$10,000,000 (based on risk assessment), for each item that is encroaching onto the City's property, and naming the City of Mississauga as an additional party.
10. In accordance with Encroachment By-law 57-04, as amended, 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 Encroachment By-law 57-04, as amended. The City of Mississauga has the authority to approve or reject this application.

Owner Last Name

Owner First Name

Applicant Last Name (if different from Owner)

Applicant First Name

Municipal Address of Owner's Property

Mailing Address (if different from above)

Telephone Number

Email Address

Legal Description of Owner's Property (Note: you must attach a copy of your Deed and Property Parcel Register from the Land Registry Office)

Description of the Items that are Encroaching (example: fence, retaining wall, structures, garden, storage. of materials, etc.)

Reason/Need for Encroachment (example: slope stability, recreational, etc.)

General Comments by Applicant (explain any extenuating circumstances)

Development Application Number (if applicable) relating to Building Permit, Site Plan Application, Rezoning Application, Shoring & Tiebacks, etc.

Warranties by Applicant/Owner

- All the information submitted with this application is complete and accurate

Acknowledgements by the Applicant/Owner

- All incomplete applications will be returned unprocessed
- Applicant/Owner accepts all liability resulting from inaccuracies or omissions made with this application
- Applicant/Owner has reviewed the City's Encroachment By-law
- This application may be rejected and the application fee is non-refundable
- If the application is rejected, all encroachments must be removed immediately
- New or additional applications or amendments made to applications previously submitted, will require additional fees

- Applicant/Owner accepts responsibility for any other necessary applications with the City of Mississauga, Region of Peel or other government agencies or bodies
- The City of Mississauga cannot confirm the length of time needed to process this application
- Acceptance of this application shall not change or alter the City's authority under the *Municipal Act* or *The Planning Act*
- Applicant/owner is responsible for all costs associated with the application
- If an Encroachment Agreement is granted, a professional sketch prepared by an Engineer, Architect or Surveyor showing the encroachment will have to be submitted if one is not already provided
- An Encroachment Agreement, once executed, shall be registered on title and an annual fee shall apply

Applicant/Owner's Signature

Date (YYYY MM DD)

City of Mississauga Use Only

Realty File Number

Name/Description/Legal Description of City Lands and Park Number (if applicable)

Date Fee Received by Realty Services (YYYY MM DD)

Encroachment Agreement Application Checklist

- ☐ Properly completed Application form, signed and dated.
- ☐ Detailed sketch prepared by a Surveyor or a Professional Engineer showing ALL encroachments and dimensions. See requirements and sample sketches attached.
- ☐ Application Fee is \$723.20 (\$640 + \$83.20 HST) payable to the City of Mississauga. If you wish to submit payment by Electronic Funds Transfer (EFT), the EFT details shall be forwarded to you upon request at the time the application is submitted to Realtyservices@mississauga.ca
NOTE: This fee is non-refundable whether or not the encroachment application is approved.
- ☐ Acknowledgement and Authorization letter (signed by owner – form attached), to be completed if the applicant is not the registered owner.
- ☐ The applicant acknowledges that an annual encroachment fee plus HST will be payable for use of the City's Lands. The annual encroachment fee will be the higher of either our rate calculated on the basis of the market value of the encroachment area OR \$500.00 plus HST.
- ☐ The applicant further acknowledges and accepts that, if an Encroachment Agreement is approved, a further cost of \$387.10 will be payable to the City of Mississauga, representing legal fees in the amount of \$270.00 + \$35.10 (HST) (subject to increase up to \$4000.00 plus HST, based on complexity) and an \$82.00 Teraview registration charge for preparation and registration of the encroachment agreement on title. The legal fees for an encroachment agreement involving a canopy and/or shoring & tiebacks are \$1,030.00 plus HST, subject to increase up to \$23,184.00 plus HST, based on complexity). The fees are in accordance with the City's [General Fees & Charges by-law](#).
- ☐ Include a copy of the Articles of Incorporation or Letters Patent, if property owner is a corporation **OR** Partnership Registration Form, if property is held by a partnership. Also include a Corporate Profile Report (not older than 2 months).
- ☐ Transfer/Deed to the property.
- ☐ Current copy of the Property Parcel Register for property (from the Land Registry Office) (not older than 2 months).
- ☐ Include a copy of any corresponding applications, notices, citations, orders or permits (i.e. Notice of Contravention, Building Permit, Site Plan Application, Application Status Report (ASR), etc.) and the name of City staff that you have liaised with.

The completed application and all relevant documents are to be hand-signed and emailed to: Realtyservices@mississauga.ca. Please include the address and applicant's name on all email correspondence.

IN ADDITION TO THE ABOVE, THIS SECTION IS TO BE COMPLETED IF YOUR APPLICATION RELATES TO ENCROACHMENTS CONSISTING OF SHORING & TIEBACKS

- ☐ Development Application No.
- ☐ Municipal Address of site works
- ☐ PUCG has been completed and a copy of the approval is attached. *(Note: PUCG approval must be obtained prior to submitting an application for shoring & tieback encroachment agreement. Your application will not be reviewed until PUCG approval is submitted.)*
- ☐ **The drawing outlining the shoring & tiebacks (see minimum requirements for encroachment sketch and sample attached) sketch is to be uploaded to ePlans for review and approval by Development Engineering.**
- ☐ Cost estimate for tieback removal which is to be used to establish securities is to be uploaded to ePlans for review and approval by Development Engineering.

The cost estimate to establish securities together with the sketch outlining the encroachment area are to be uploaded to ePlans. The completed application and all relevant documents are to be signed and emailed to: Realtyservices@mississauga.ca. Please include the address, development application number and applicant's name on all email correspondence.