



MISSISSAUGA

THE CORPORATION OF THE CITY OF MISSISSAUGA

Encroachment By-law 0057-2004

(Amended by By-laws 0108-2011, 0139-2016, 0165-2020, 0241-2020, 0245-2021, 0218-2023, 0044-2022 s.94(3)(f), 0099-2026)

WHEREAS the *Municipal Act, 2001*, S.O. 2001, c.25 (hereinafter the “Municipal Act, 2001”) provides that a municipality may pass by-laws within the following spheres of jurisdiction: Highways, including parking and traffic on highways at section 11(1) 1; Culture, parks, recreation and heritage at section 11(1) 5 and Structures, including fences and signs at section 11(1) 7;

AND WHEREAS section 8 of the Municipal Act, 2001 provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under the Municipal Act;

AND WHEREAS section 9(1) of the Municipal Act, 2001 provides that sections 8 and 11 shall be interpreted broadly so as to confer broad authority on municipalities to (a) enable them to govern their affairs as they consider appropriate, and (b) enhance their ability to respond to municipal issues;

AND WHEREAS section 391(c) of the Municipal Act, 2001 provides that a municipality may pass by-laws imposing fees or charges on any class of persons for the use of its property including property under its control;

AND WHEREAS Section 436 of the Municipal Act, 2001 provides that a municipality may pass by-laws providing that the municipality may enter on land at any reasonable time for the purpose of carrying out an inspection to determine compliance with a by-law or an order made pursuant to the by-law; (0099-2026)

AND WHEREAS Sections 444 and 445 of the Municipal Act, 2001, provide that a municipality may make an order requiring the person who contravened the by-law or who caused or permitted the contravention or the owner or occupier of the land on which the contravention occurred to discontinue the contravening activity and/or to do work to correct the contravention; (0099-2026)

AND WHEREAS Section 446 of the Municipal Act, 2001 provides that a municipality may proceed to do things at a person’s expense which that person is otherwise required to do under a by-law but has failed to do and the costs incurred by a municipality may be recovered by adding the costs to the tax roll and collecting them in the same manner as property taxes; (0099-2026)

NOW THEREFORE the Council of The Corporation of the City of Mississauga enacts as follows:

SHORT TITLE

1. This by-law shall be known and may be cited as the “Encroachment By-law”.

DEFINITIONS

2. In this by-law,

“boulevard” means the non-travelled portion of a highway, consisting of the grassed or earthed area between the roadside curb, or edge of a ditch where there is no curb, and the property line of the abutting property owner, save and except for the sidewalk, if applicable; (0099-2026)

“boulevard garden” means an encroachment in an area within the boulevard where the abutting property owner cultivates and maintains plants; (0099-2026)

“boulevard landscape feature” means an encroachment consisting of a modular structure placed by the abutting property owner around trees in the boulevard with one continuous border around the tree, made of, including but not limited to, rocks, wood and interlock; (0099-2026)

“City” means The Corporation of the City of Mississauga;

“City Solicitor” means the head of the City's Legal Services Division and shall include his or her designate;

“Commissioner means” (0108-2011)

- (i) for lands under the jurisdiction of the Community Services Department, the Commissioner of Community Services;
- (ii) for lands under the jurisdiction of the Transportation & Works Department, the Commissioner of Transportation & Works; and
- (iii) in all instances other than those listed in 2(c)(i) and (ii) above, the Commissioner of Corporate Services

“curb” means the lateral boundary of the roadway, whether such lateral boundary is physically marked or not; (0099-2026)

“Director” means the Director of Works Operations & Maintenance of the City and includes their designate; (0099-2026)

“easement” means an interest in land owned by another person, consisting in the right to use or control the land, or an area above or below it, for a specific limited purpose, but does not include an interest created by a licence;

“encroachment” means any type of vegetation, soil, fill, 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 shall include any aerial, surface or subsurface encroachments; (0099-2026)

- (i) **“aerial encroachment”** means an encroachment that is located at least .304 metres (12 inches) above the surface of public lands; (0099-2026)
- (ii) **“surface encroachment”** means an encroachment that is located anywhere between the following: the surface of public lands to a height less than .304 metres (12 inches) and beneath the surface of public lands to a depth of not more than 2.54 centimetres (1 inch); (0099-2026)
- (iii) **“sub-surface encroachment”** means an encroachment that is located beneath the surface of public lands to a depth exceeding 2.54 centimetres (1 inch); (0099-2026)

“encroachment agreement” means a document prepared by the City allowing an encroachment on public lands and shall take either of the following two forms: (0108-2011, 0139-2016, 0099-2026)

- (i) a permit for all minor encroachments on public highway lands; and (0099-2026)
- (ii) an agreement for all other types of encroachments, each of which shall be signed by the applicable Commissioner or their authorized designate; (0099-2026)

“expenses” means any and all sums of money actually spent or required to be spent by the City, and shall include but not be limited to all charges, costs, administrative fees, HST, outlays, legal fees and losses; (0108-2011)

“hardscaping” means paving stones, boulders, stones, gravel, concrete asphalt, rail or any other hard materials; (0099-2026)

“highway” means a common and public highway and includes any street, sidewalk, bridge, trestle, viaduct or other structure forming part of the highway and, except as otherwise provided, includes a portion of a highway;

“long-term outdoor patio” means an accessory outdoor seating area, located adjacent to or within proximity of a restaurant, convenience restaurant or take-out restaurant, which is erected on a sidewalk or in a parking lay-by within a highway located in the Port Credit Business Improvement Area, as shown in Schedule "A" of By-law 0227-2020; (0218-2023)

“minor encroachment” means an encroachment on a public highway deemed by the Commissioner to be of minor size and significance; (0108-2011)

“modular” means an installation that is not permanent and can be easily moved by hand without the use of tools or equipment; (0099-2026)

“Officer” means a municipal by-law enforcement officer employed by the City and/or appointed by Council to perform the duties of enforcing the City’s by-laws, and also includes a police officer employed by the Peel Regional Police or the Ontario Provincial Police; (0099-2026)

“owner” means the registered owner of a parcel of property as such person is described in the records of the land registry office; (0108-2011)

“person” means an individual, partnership, association, firm or corporation, business entity or club, incorporated group or organization, federal or provincial government, crown agents, school boards and regional municipalities, to whom the context can apply in accordance with the *Interpretation Act* of Ontario, as amended, but specifically excludes the City; (0108-2011)

“personal property” means any object or item of property other than real property; (0108-2011)

“premises” means a parcel of real property under registered ownership and includes all buildings and structures thereon; (0108-2011)

“public lands” means lands owned by, leased, licensed to or under the management of the City, and shall include but not be limited to any public highway, road, street, avenue, parkway, lane, alley, square, place, viaduct or trestle, water, thoroughfare, way or bridge, park, woodland, greenbelt, storm water management facility, open space, municipal golf course or cemetery, and all parts thereof, including any surface, grassed area, boulevard, ditch, curb, gutter and sidewalk; (0108-2011)

“raised planter” means any above-ground container or frame holding soil and/or plants; (0099-2026)

“right-of-way” means a person's legal right, established by usage or by contract, to pass through grounds or property owned by another person; (0108-2011)

“seasonal outdoor patio” means an accessory outdoor seating area, located adjacent to or within proximity to a restaurant, convenience restaurant or take-out restaurant, which is erected on any sidewalk within a highway; (0165-2023, 0218-2023, 0044-2022 s.94(3)(f))

“seasonal outdoor retail sales and display” means an accessory outdoor area, located adjacent to or within proximity of an existing retail store, including an outdoor market, in which goods are offered for sale, lease and/or rental to consumers, which is erected on any sidewalk within a highway; (0218-2023, 0044-2022 s.94(3)(f))

“seasonal outdoor retail sales and display permit” means a document prepared by the City allowing a minor encroachment on highways for seasonal outdoor retail sales and display; (0218-2023)

“seasonal patio permit” means a document prepared by the City allowing a minor encroachment on highways for a seasonal outdoor patio; (0165-2020, 0218-2023)

“sidewalk” means the non-travelled portion of the highway, whether paved or not, intended for the use of pedestrians and/or cyclists and is generally situated between the highway curb and property line of the abutting property owner; (0099-2026)

“turfgrass” means ground cover of various perennial grasses grown for lawns, of a type that forms a dense, uniform turf when mown; (0099-2026)

“unauthorized encroachment” means any encroachment not authorized by this by-law. (0108-2011)

“utility infrastructure” means any utility infrastructure including, but not limited to, streetlight poles and conduit, natural gas lines and associated appurtenances, ground level boxes, hydro power boxes and conduit, and Canada Post mailboxes; (0099-2026)

ENCROACHMENTS PROHIBITED

3. (1) 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.
- (2) Notwithstanding subsection 3(1), the provisions of this by-law do not apply to the following classes of encroachments:
 - (a) signs, as authorized through By-law Number 0054-2002, as amended, (the “Sign By-Law”);
 - (b) properties which are designated by by-law of the City as being of historic or architectural value or interest pursuant to the *Ontario Heritage Act*, as amended;
 - (c) a temporary encroachment arising as a result of construction, maintenance or other activity as authorized under a valid temporary permit issued by the City;
 - (d) encroachments permitted as a result of a written and signed agreement with the City, other than an encroachment agreement;
 - (e) encroachments arising as a result of a Committee of Adjustment decision permitting the owner of residential premises to widen his or her driveway, provided a curb cut permit from the City is also issued to the owner; and
 - (f) encroachments arising from surface changes made in connection with residential driveways, provided such encroachments do not: (0139-2016)
 - (i) alter the established elevation of the public lands or public highway lands leading to the residential driveway; or
 - (ii) results in the breach of any other municipal by-law or regulation.

The City shall not bear any responsibility for any form of damage or deterioration occurring to these encroachments, howsoever or

whenever caused, and the current property owner using the residential driveway shall cause such repairs to be made to the encroachments as may be necessary, at the property owner's sole cost and expense.
(0139-2016)

(g) Deleted by By-law 0241-2020. (0165-2020, 0241-2020)

3.1 (1) Notwithstanding subsection 3(1) and Section 4, an abutting owner is permitted to install and maintain a boulevard garden without submitting an application for approval and entering into an encroachment agreement with the City, subject to the following requirements: (0099-2026)

- (a) it shall comply with this by-law and all applicable City by-laws, including without limitation, the Turfgrass and Prohibited Plant Species By-law 0050-2026, or its successor;
- (b) it shall only be located within the boulevard portion of the highway;
- (c) it shall be located within the boulevard portion directly abutting the owner's lands;
- (d) the owner shall locate all utility infrastructure and City infrastructure prior to commencing any works on the boulevard garden in accordance with the *Ontario Underground Infrastructure Notification System Act, 2012*, or its successor;
- (e) it shall not pose any danger to the public, compromise drainage, impede sightlines or adversely affect the delivery of municipal maintenance activities, as determined by the City's Transportation and Works staff;
- (f) plants shall not exceed 1.0 metres in height;
- (g) it shall not obstruct or impair any sightlines;
- (h) it shall not be planted within a 1.0 metre radius of a utility infrastructure;
- (i) fire hydrants shall be easily visible and accessible from both the public highway and the sidewalk;
- (j) any plants within a 1.5 metre radius of the fire hydrant shall not be higher than 15 centimetres;
- (k) plants shall be setback at least 0.3 metres from the sidewalk or path;
- (l) plants shall not pose a hazard to pedestrians or other users of the sidewalk or path;
- (m) plants shall not interfere with proper water flow or proper draining, including but not limited to within roadside ditches and drainage swales;

- (n) no plants of any kind, with the exception of turfgrass, shall be planted, grown or maintained within a 1.0 metre radius of any boulevard tree;
 - (o) no trees of any kind shall be planted, without a valid permit under the Public Tree Protection By-law 0020-2022, as amended, or successor;
 - (p) it shall not contain any permanent fixtures, chattels, equipment or any non-plant installations, including but not limited to below surface irrigation systems;
 - (q) it shall not contain raised planters or other above-ground or below ground planting structures;
 - (r) it shall not contain any garden or outdoor furniture, railings, hoarding or fencing;
 - (s) it shall not contain any hardscaping that does not comply with the boulevard landscape feature requirements set out in Section 3.2;
 - (t) it shall be at the same grade as the adjacent sidewalk or path;
 - (u) it shall be used for planting only; and
 - (v) if the abutting owner desires to discontinue the boulevard garden, it shall be removed or filled in and closed up and the boulevard shall be restored to its former condition by the abutting owner at their expense.
- (2) The City shall not bear any responsibility for any form of loss, damage or deterioration to the boulevard garden, howsoever or whenever caused, and the owner shall cause any required repairs to be made to the boulevard garden, or the boulevard (should the boulevard garden be discontinued), as may be necessary, at the owner's sole cost and expense. (0099-2026)
- (3) Section 3.1 of this by-law does not apply to any valid, active boulevard garden permit until the expiry or revocation of that permit. (0099-2026)
- 3.2 (1) Notwithstanding subsection 3(1) and Section 4, an abutting owner is permitted to install and maintain a boulevard landscape feature without submitting an application for approval and entering into an encroachment agreement with the City, subject to the following requirements: (0099-2026)
- (a) it shall not injure or destruct any tree or its roots and a permit is not otherwise required under the Public Tree Protection By-law 0020-2022, as amended;
 - (b) its height cannot exceed 10 centimetres above ground level;
 - (c) it shall have a minimum radius of 60 centimetres from the base of the tree;

- (d) it shall meet setback requirements of 50 centimetres from the sidewalk, curb, public or private driveways, City infrastructure and utility Infrastructure;
 - (e) it shall be set back at least 1.5 metres from fire hydrants;
 - (f) it shall be modular and shall not rely on a fixed foundation for support;
 - (g) no excavation, tunneling, or trenching shall be used to install or maintain a boulevard landscape feature, and there shall be no alteration or change in grade; and
 - (h) no plants, fill, or material of any kind, with the exception of turfgrass, shall be planted, grown or maintained within the boulevard landscape feature; and
 - (i) if the abutting owner desires to discontinue the boulevard landscape feature, it shall be removed or filled in and closed up and the boulevard shall be restored to its former condition by the abutting owner at their expense.
- (2) The City shall not bear any responsibility for any form of loss, damage or deterioration to the boulevard landscape feature, howsoever or whenever caused, including any damage or losses arising from the maintenance of City-owned trees and related infrastructure, and the owner shall cause any required repairs to be made to the boulevard landscape feature (should the boulevard landscape feature be discontinued) as may be necessary, at the owner's sole cost and expense. (0099-2026)

3.3 Section 9 shall not apply to boulevard gardens and boulevard landscape features installed in accordance with Section 3.1 or 3.2 of this by-law. (0099-2026)

APPLICATION FOR ENCROACHMENT

- 4. (1) Any person requesting authorization to erect, install or maintain an encroachment on public lands shall be required to submit an application to the City seeking permission to do so, along with payment of the non-refundable application fee.
- (2) The form and content of the application shall be as prescribed by the Commissioner from time to time, and a copy may be obtained from the City's Realty Services section.
- (3) Where an application to erect, install or maintain an encroachment has been approved, the City Solicitor shall prepare an encroachment agreement, and once the applicant has been notified in writing that the encroachment agreement is ready for execution, the applicant shall have thirty (30) calendar days to execute same and pay the applicable fees.
- (4) Where an applicant fails to pay the applicable fees or fails to execute an encroachment agreement, within the thirty (30) calendar days as prescribed in

subsection 4(3), the applicant shall be deemed to have abandoned his application.

- (5) Deleted by By-law 0218-2023 on December 31, 2025. (0165-2020, 0241-2020, 0218-2023)

REGISTRATION OF AGREEMENT

5. Where the Commissioner deems it appropriate, an encroachment agreement may be registered against title to the applicant's property with the land registry office and all expenses in doing so shall be paid for in advance by the applicant.

AUTHORITY OF COMMISSIONER

6. The Commissioner shall have delegated authority to:
- (a) approve or reject any application submitted for an encroachment agreement; and
 - (b) impose such terms and conditions to any application and/or encroachment agreement as the Commissioner may deem appropriate; and
 - (c) determine whether any encroachment agreement expiring on a date after the date of enactment and passage of this by-law shall be renewed and/or extended.

REVOCAION

7. The execution of an encroachment agreement in respect of an encroachment does not create any vested right in the owner or occupant of the premises to which the encroachment is appurtenant, or in any other person, and the encroachment agreement may be revoked in accordance with the terms set out therein.

ACCESS TO ENCROACHMENTS

8. No person shall obstruct, hinder or interfere with the free access to any encroachment by an employee, officer or agent of the City.

DISCONTINUANCE OF ENCROACHMENTS

9. (1) If the owner of any premises to which an encroachment is appurtenant desires to permanently discontinue the encroachment, he shall notify the Commissioner in writing and the Commissioner shall thereafter cause a notice to be sent to the owner advising that the encroachment shall be removed or filled in and closed up, and the public lands shall be restored to their former condition by the owner at his own expense.
- (2) If the Commissioner is at any time of the opinion that a breach of the terms and conditions attached to an encroachment agreement has occurred and that the encroachment should be discontinued, or where an encroachment agreement has expired, the Commissioner may cause a notice to be sent to the owner advising that the encroachment be removed or filled in and closed

up, and the public lands be restored to their former condition by the owner at his own expense.

- (3) Where an owner fails to comply with the notice described in subsection 9(1) and/or 9(2) within thirty (30) days of receipt of same, the encroachment may be removed or filled in and closed up by the City, and the public lands restored to their former condition at the expense of the owner, such expense to be recovered in full in the manner provided in section 12 below, and until the encroachment is so removed or filled in and closed up and the public lands restored to their former condition, all expenses incurred by the City in respect thereto shall continue to be paid by the owner.

EMERGENCY SITUATIONS

10. (1) If the Commissioner deems that an emergency exists or may exist as a result of any encroachment being or about to become a source of danger to the health and safety of the public, the Commissioner may,
 - (a) notify in writing the owner of the premises to which the encroachment is appurtenant, requiring the repair, removal, filling in or closing up of the encroachment and restoration of the public lands to their former condition at the expense of the owner, so that the encroachment is no longer deemed to be a source of danger or potential danger to the public by the Commissioner, and/or
 - (b) take such measures on behalf of the owner, without notice to the owner, as the Commissioner may deem necessary to remove the danger or potential danger created by the encroachment.
- (2) Where the notice described in subsection 10(1)(a) is not complied with within the time period stipulated therein, the City may repair, remove, fill in or close up the encroachment and restore the public lands to their former condition, at the expense of the owner, such expense to be recovered in full in the manner provided in section 12 below.
- (3) Where the Commissioner elects to take any action under subsection 10(1)(b), the expenses incurred by the City in so doing shall be recovered in full in the manner provided in section 12 below.

REMOVAL OF UNAUTHORIZED ENCROACHMENTS

11. (1) Where the City becomes aware of an unauthorized encroachment, the City may give notice in writing or issue an order in accordance with Section 15 of this by-law, to the owner of the premises to which an unauthorized encroachment is appurtenant, to forthwith remove, fill in or close up the encroachment and to restore the public lands to their former condition at the expense of the owner. (0099-2026)
- (2) Where the notice or order in subsection 11(1) is not complied with within the timeframe set out in the notice or order, as applicable, the City may remove, fill in or close up the unauthorized encroachment and restore the public lands to

their former condition at the expense of the owner, such expense to be recovered in full in the manner provided in Section 12 or subsection 15(10), as applicable. (0099-2026)

- (3) Any materials or structures forming part of or attached to the encroachment and removed by the City may, at the discretion of the Commissioner, either be deposited at the owner's premises or be stored for thirty (30) days at the owner's expense, such expense to be recovered in full in the manner provided in Section 12 below. Any item so stored and not claimed by the owner within the said thirty (30) day period shall be disposed of by the City in such manner as it deems appropriate. (0099-2026)

RECOVERY OF EXPENSES

12. (1) All expenses incurred by the City in connection with the enforcement of this by-law shall be paid within thirty (30) days of their billing date, and in the event of failure to pay the entire amount due within the said thirty (30) days, at the discretion of the City, the outstanding balance of the invoice may thereafter be added to the tax roll as of the year in which the expenses were billed.
- (2) The City may also recover all expenses owing under this by-law by a court action as a debt due to the City.

PENALTY (0099-2026)

13. (1) Every person who contravenes any provision of this by-law, and every director or officer of a corporation who knowingly concurs in such contravention by the corporation, is guilty of an offence and is liable to a fine, and such other penalties, as provided for in the *Provincial Offences Act*, R.S.O. 1990, c. P. 33, and the *Municipal Act, 2001*, S.O. 2001, c. 25, as both may be amended from time to time. (0099-2026)
- (2) All contraventions of any provision of this by-law are designated as continuing offences. (0099-2026)
- (3) In addition to subsections 13(1) and 13(2), any person who is charged with an offence under this by-law by the laying of an information under Part III of the *Provincial Offences Act*, R.S.O. 1990, c. P. 33 and is found guilty of the offence is liable, pursuant to the *Municipal Act, 2001*, S.O. 2001, c. 25, to the following fines: (0099-2026)
 - (a) a minimum fine of \$500 and a maximum fine not exceeding \$100,000; and
 - (b) in the case of a continuing offence, for each day or part of a day that the offence continues, a minimum fine of \$500, and a maximum fine not exceeding \$10,000, and the total of all daily fines for the offence is not limited to \$100,000.

PROHIBITION ORDER

14. When a person has been convicted of an offence under this by-law,

- (a) the Superior Court of Justice, or
- (b) any other court of competent jurisdiction,

may, in addition to any other penalty imposed on the person convicted, issue an order prohibiting the continuation or repetition of the offence or the doing of any act or thing by the person convicted directed toward the continuation or repetition of the offence.

INSPECTIONS, ORDERS AND REMEDIATION (0099-2026)

15. (1) An Officer may enter upon land at any reasonable time in accordance with the *Municipal Act, 2001* for the purpose of carrying out an inspection to determine whether or not this by-law or any orders issued pursuant to this by-law are being complied with. (0099-2026)
- (2) For the purposes of conducting an inspection pursuant to this by-law, an Officer may: (0099-2026)
- (a) require the production for inspection of documents or things relevant to the inspection;
 - (b) inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
 - (c) require information from any person concerning a matter related to the inspection; and
 - (d) alone, or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection.
- (3) A receipt shall be provided for any document or thing removed under subsection 15(2)(b) and the document or thing shall be promptly returned after the copies or extracts are made. (0099-2026)
- (4) No person shall prevent, hinder, or obstruct, or attempt to hinder or obstruct, an Officer who is lawfully exercising a power or performing a duty under this by-law. (0099-2026)
- (5) An Officer may make an order requiring the person who contravened this by-law or who caused or permitted the contravention or the owner or occupier of the land on which the contravention occurred or the owner or occupier of the abutting land to discontinue the contravening activity or to do work to correct the contravention. (0099-2026)
- (6) An order made pursuant to subsection 15(5) shall include: (0099-2026)

- (a) the reasonable particulars of the contravention adequate to identify the contravention and the location of the land on which the contravention occurred; and
 - (b) the date by which there must be compliance with the order or the work to be done and the date by which the work must be done.
- (7) No person shall fail to comply with an order made pursuant to subsection 15(5). (0099-2026)
- (8) Any order required to be given to or served upon a person pursuant to this Bylaw may be served: (0099-2026)
- (a) personally;
 - (b) by email to the last known email address on record; or
 - (c) by registered mail to the last known mailing address on record, which service shall be deemed to be five (5) days after mailing.
- (9) If the City is unable to effect service under subsection 15(8) or the delay necessary to serve an order would result in an immediate danger to the health or safety of any person, the order may be placed in a conspicuous place upon the property and shall be deemed to be sufficiently given to or served upon the person to whom the order is directed. (0099-2026)
- (10) Where a matter or thing that is required to be done through an order of an Officer pursuant to subsection 15(5) of this by-law is not completed by the time set out in the order, the matter or thing may be done by the City at the person's expense and the City may recover the costs of doing the matter or thing from the person directed or required to do it by court action or by adding the costs to the tax roll and collecting them in the same manner as property taxes. (0099-2026)

DELEGATION OF AUTHORITY

16. The Commissioner and the City Clerk are authorized to execute and affix the Corporate Seal of the City to all encroachment agreements.

GENERAL

17. In this by-law, unless the context otherwise requires, words imparting the singular number shall include the plural, and words imparting the masculine gender shall include the feminine, and further, the converse of the foregoing also applies where the context so requires.

DELETIONS TO OTHER BY-LAWS

18. Section 10 of By-Law Number 277-96 is hereby deleted.

EXCEPTIONS AND GRANDFATHERING

19. (1) Sections 2 and 3 of By-Law 23-79 shall not apply to those persons who have a valid and binding encroachment agreement with the City with respect to encroachments occurring on highways.
- (2) Notwithstanding subsection 3(1), any encroachment authorized under an encroachment agreement determined by the City Solicitor to be valid and binding at the date of enactment of this by-law, shall not require further authorization pursuant to this by-law until the encroachment agreement has expired or is terminated.
- (3) Subject to subsection 19(2), this by-law shall apply to all encroachments which existed or were created before this by-law was enacted and passed.
- (4) Deleted by By-law 0218-2023 on December 31, 2025. (0165-2020, 0241-2020, 0245-2021, 0218-2023, 0044-2022 s.94(3(f))

SEVERABILITY

20. Where a court of competent jurisdiction declares any section or part of a section of this by-law to be invalid, or to be of no force and effect, it is the intention of Council in enacting this by-law that the remainder of this by-law shall continue in force and be applied and enforced in accordance with its terms to the fullest extent possible according to law.

ENACTED AND PASSED this 11th day of February, 2004.

Signed by: Hazel McCallion, Mayor and Crystal Greer, City Clerk

**Schedule "A" to the Encroachment By-law 0057-2004
Terms and Conditions Relating to Boulevard Garden Encroachments**

Schedule deleted in its entirety by By-law 0099-2026.