

# Council Policy



Policy Name: Encroachment Agreements  
Department Name: Land Administration  
Policy No.: LEG-080  
Effective Date: April 19, 1994

Review Date:

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## **STATEMENT:**

The City may grant a lease or license to the owner of a building or structure that encroaches on a road, street, lane or other public place permitting the building or structure to remain thereon.

## **PURPOSE AND OBJECTIVE:**

The objective of this policy will be:

1. To permit the leasing or licensing of City land.
2. To render a service to the public.
3. To provide an economical method for the annual review of leases or licenses of occupation.
4. To minimize City cost.

## **PROCEDURES:**

### **1. Definitions**

- 1.1. City Control - City ownership or City regulations of use.
- 1.2. Lease - an agreement for the use of City-owned land for a specific time and for a consideration where the lessee is given possession and assumes responsibility for activities carried out therein/thereon.
- 1.3. License - a licence of occupation for the use of City-owned land for a specific activity for a specific time and for a consideration where the City retains possession and control of the land.

### **2. Responsibilities**

- 2.1. Council to:
  - 2.1.1. Approve amendments to the policy.
  - 2.1.2. Approve standardized form of lease and/or license.

## 2.2. City Clerk to:

- 2.2.1. Maintain a central record of leases and licenses.
- 2.2.2. In consultation with the City Solicitor and Insurance Broker, define the nature, form and limit of insurance to be provided by the lessee or licensee.
- 2.2.3. Execute agreements on behalf of the City in accordance with delegated signing authority.

## 2.3. Finance Department to:

- 2.3.1. To determine a payment schedule for all leases and licenses taking into consideration the billing and collection costs. The minimum billing amount/period should not be less than \$100.00 or for a 5 year period whichever is lesser.

## 2.4. Departments to:

- 2.4.1. Where appropriate, negotiate leases and licenses in accordance with City Policies.

**APPROVAL, MANAGEMENT AND REFERENCES:**

This policy shall be reviewed in three (3) years from its effective date to determine its effectiveness and appropriateness. This policy may be assessed before that time as necessary to reflect organizational change.

Approving Authority: City Council  
Approval Date: May 24, 1994

Revision Approval Dates:  
Review Due:

Policy Manager: Director, Land Administration  
Department Contact:

Legal References:  
Cross References: