

CORPORATE POLICY & PROCEDURE

POLICY TITLE: ENCROACHMENTS ONTO TRCA-OWNED LANDS
POLICY NO.: CS-5.15-P

Chapter:	Corporate Services		
Section:	5. Property and Risk Management		
Effective Date:	January 29, 2021	Last Review Date:	January 29, 2021
Approval Authority:	Board of Directors		
Issued to:	All TRCA Employees		
Policy Owner:	Property and Risk Management		

1. PURPOSE

- 1.01. The purpose of this Policy is to guide Toronto and Region Conservation Authority's (TRCA) responses to Encroachments on TRCA-owned lands.

2. SCOPE

- 2.01. This Policy applies to situations where lands owned by TRCA are subject to an Encroachment.
- 2.02. This Policy applies to all TRCA owned land, including land covered by water.

3. POLICY

- 3.01. TRCA will not permit Encroachments onto its lands except in accordance with this Policy.
- 3.02. TRCA shall continue to employ the following measures to resolve an Encroachment:
- (a) **Removal** – The preferred method to respond to Encroachments as it allows TRCA owned land to revert to its intended use including natural areas, open space or recreational areas. The person responsible for the Encroachment shall pay all costs, including survey, appraisal and legal costs associated with the removal of the encroachment.
 - (b) **Encroachment Agreement** – An interim arrangement to establish temporary permission for the Encroachment, including terms and conditions to address liability concerns and to eliminate the possibility of loss of the property through adverse possession. Upon expiry or termination of the agreement, the encroachment shall be removed and the TRCA lands restored to their natural condition. The person seeking the agreement shall pay all costs, including survey, appraisal and legal costs associated with the Encroachment, including payment of a license fee to TRCA based on fair market value of the use of

lands subject to the Encroachment. Encroachment agreements for Lands under municipal management agreements may be coordinated and recommended by the member municipality, subject to approval by the Board of Directors. Approval by the Board of Directors is required prior to the execution of any agreement to permit an encroachment for greater than five years.

- (c) **Sale or Land Exchange** – This option is considered when it is determined that the parcel of land is not required for TRCA purposes or the person responsible for the encroachment is willing to exchange lands with TRCA for lands that are more suitable for TRCA purposes, subject to any existing policies governing the sale and disposition of lands.

4. RESPONSIBILITY

- 4.01. The **Board of Directors** is responsible for approving proposed Encroachment resolutions as required.
- 4.02. **Property and Risk Management** staff are responsible for:
 - (a) Negotiating with the person responsible for the Encroachment where removal is not feasible and/or where the person requests permission to continue to the Encroachment on a temporary basis;
 - (b) Reporting to the Board of Directors, as required, with recommendations to resolve the Encroachment; and
 - (c) Consulting as required with member municipalities and other third parties who manage TRCA lands to review issues of encroachment and working with these managing authorities to resolve any identified issues
- 4.03. **Enforcement and Compliance** staff are responsible for
 - (a) Providing technical advice where Encroachments are in violation of applicable regulations; and
 - (b) Leading enforcement proceedings where they are deemed to be the recommended course of action to resolve the encroachment.
- 4.04. **Facility Managers** are responsible for:
 - (a) Identifying the nature and location of Encroachments;
 - (b) Acting as the first point of contact and giving notice to party in effort to resolve the encroachment;
 - (c) Advising the person responsible for the Encroachment of TRCA's Policy;
 - (d) Requesting removal of the Encroachment; and
 - (e) Advising Property and Risk Management, and Enforcement and Compliance staff of the Encroachment if the request for removal of the Encroachment was not successful at resolving the encroachment.
- 4.05. **Employees** who suspect an Encroachment are responsible for identifying it to the Facility Manager.
- 4.06. **Legal Counsel** is responsible for providing advice on title issues, drafting and review of encroachment agreements, and supporting enforcement efforts.
- 4.07. On motion from TRCA's Board of Directors, TRCA may accept, revise or rescind this Policy.

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5. PROCEDURE

TRCA staff shall follow department Standard Operating Procedures for encroachments and disposition of lands.

6. DEFINITIONS

- 6.01. **“Encroachment”** means an interference with or intrusion onto another’s property, including physical structures such as decks, pools, sheds and retaining walls, as well as non-structural such as storage of materials, gardens and grass cutting of an area greater than one meter onto TRCA lands.

7. ADMINISTRATION

Administered by the Clerk’s Office

Review Schedule:	5 Years	Next Review Date:	January 29, 2026
Supersedes:	<i>Encroachments onto TRCA-owned Lands Policy (1977-04-22)</i>		
Related Legislation, Regulations and Guidelines:	N/A		
Related Policies and Policy Tools:	N/A		
Revision History			
Version Number	Version Date	Description	
1	January 29, 2021	Policy went into effect.	