

Proposed By-law to Regulate Encroachments on City Lands

Committee of Council
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BACKGROUND

- Members of Council, at a Committee of Council meeting in May 2022, raised the matter soft landscaping encroaching on City boulevards.
- Staff were directed to review City by-laws and examine amendments to:
 1. Permit soft planting (perennials, pollinators) to enhance neighbourhoods
 2. Suspend enforcement of soft landscaping until a report is returned (CW236-2022, RM 23/2022).



CURRENT SITUATION

- Realty Services executes encroachment agreements with landowners for permissible boulevard encroachments.
- The City of Brampton does not have a dedicated Encroachment By-law to regulate encroachments on city lands.
- Enforcement may use other city by-laws to address encroachments onto boulevards, highways and parklands.

Gap

- Cannot effectively manage encroachments onto other forms of city lands (e.g., flood control infrastructure, easements, etc.).
- Soft plantings on boulevards are prohibited.



SOLUTION

Staff in Public Works and Engineering, Legislative Services, Planning Building and Growth Management and the CAO's Office collaborated to draft an Encroachment By-law.

Objective

1. To regulate encroachments of any form of City-owned lands.
2. To establish enforcement mechanisms to address unauthorized encroachments.
3. To promote biodiversity and the beautification of local streetscapes.
4. To formalize and streamline the existing encroachment agreement process.

This approach aligns with local surrounding municipalities.



BOULEVARD GARDENS

Promoting a more sustainable and aesthetically pleasing urban environment

The proposed By-law permits landowners to plant and maintain gardens on an adjacent boulevard directly abutting their residential property without an encroachment agreement, subject to conditions that would normally be prescribed in an agreement.

Benefits

- Enhance neighbourhood character and aesthetic
- Encourage native habitats
- Contribute to environmental sustainability and biodiversity
- Inspire local urban communities to engage with nature



BOULEVARD GARDENS

Boulevard gardens will only be permitted without an encroachment agreement where they:

- Are maintained in a clean, tidy and safe condition
- Do not exceed 45 cm in height or obstruct visibility
- Do not exceed the grade of or abut any adjacent sidewalk, curb or shoulder (90 cm setback required)
- Do not contain a garden wall or any hard landscape features
- Do not cause damage or injury to a person or thing
- Are only dressed with soil, topsoil or mulch (no rocks or stones)
- Do not contain shrubs, bushes, trees, thorns, sharp leaves or prohibited plants (as defined in the proposed Ground Cover Maintenance and Prohibited Plants By-law)

The City will not be responsible for any loss, damage, or replacement affected by municipal operation. Anyone installing or maintaining an encroachment does so at their own risk.



RECOMMENDATIONS

- That City Council approve the enactment of an Encroachment By-law to regulate encroachments on City-lands
- That City Council approve the enactment of amendments to the Administrative Penalty By-law (Non-parking) to create penalties for non-compliance

Thank you!

