

Encroachment Agreement Application

Corporate Business Services
Realty Services
300 City Centre Drive
Mississauga, Ontario L5B 3C1
905-615-3200
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 0057-2024 (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, 905-615-3200, realtyservices@mississauga.ca.

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 following:
 - (a) Articles of Incorporation (or Letters Patent)
 - (b) a recent Corporate Profile Report; and
 - (c) a recent Certificate of Status from the Ministry of Public and Business Service.
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 electronic black and white sketch on (8.5 inch x 14 inch size format) in high resolution depicting the property boundaries, the City's property boundaries and the size and location of the items encroaching onto the City's property. **This sketch must be prepared by an Engineer, Architect or Surveyor in good standing.** Do not use aerial photography to create the sketch.
5. Depending on the nature and extent of the encroachments involved, City staff may require 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. Please be advised that should the application be approved, the applicant will need to provide insurance for all items which are encroaching onto the City's property. **The City of Mississauga must be added as an additional insured onto your insurance policy.** If the applicant does not carry insurance or is unable to add the City to their existing insurance policy, they will be required to purchase a policy at their sole cost. Once this is completed by your insurance company or your insurance broker, they will need to complete a Certificate of Insurance document utilizing the City's form. These forms can be found using the following link www.mississauga.ca/certificateofinsurance
10. The insurance requirements may differ based on the facts of each application and may include, but are not limited to, liability insurance, property insurance as well as others. The City generally requests a range between \$2,000,000 - \$10,000,000 in coverage but reserves the right to request more coverage at its discretion. **Please be advised that obtaining the necessary coverage will take time. It is strongly recommended that you notify your insurance company or insurance broker about your encroachment application as soon as possible.** We recommend you provide the insurance terms and conditions to your insurance company or insurance broker so that they can begin the process as early as possible and procure the necessary insurance if required. Our general insurance terms and conditions are found on the following link: [Insurance Requirements](#). **Any costs to obtain such insurance to comply with the application shall be borne by the applicant.**
11. In accordance with Encroachment By-law 0057-2004 (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 0057-2004 (as amended). The City of Mississauga has the authority and discretion to approve or reject this application.

Warranty by the Applicant/Owner

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

Acknowledgements by the Applicant/Owner

1. All incomplete applications will be returned unprocessed.
2. Applicant/Owner accepts all liability resulting from inaccuracies or omissions made with this application.
3. Applicant/Owner has reviewed the City's Encroachment By-law 0057-2004 (as amended) [Encroachment By-law 0057-2004 \(mississauga.ca\)](#)
4. This application may be rejected and the application fee is non-refundable.
Note: The application fee may change annually based on the City of Mississauga General Fees & Charges By-law User Fees and Charges By-law - City of Mississauga

5. If the application is rejected, existing encroachments must be removed immediately.
6. New or additional or amendments made to applications previously submitted which have been circulated and reviewed by staff and a response provided, will require additional fees.
7. Applicant/Owner accepts responsibility for any other necessary applications with the City of Mississauga, Region of Peel or other government agencies or bodies.
8. The City of Mississauga cannot confirm the length of time needed to process this application.
9. Acceptance of this application shall not change or alter the City's authority under the *Municipal Act* or *The Planning Act*.
10. Applicant/Owner is responsible for all costs associated with the application.
11. If an Encroachment Agreement is granted, a professional detailed electronic black and white sketch (on 8.5 inches x 14 inches size paper) in high resolution prepared by an Engineer, Architect or Surveyor in good standing showing the encroachment must be submitted electronically if one is not already provided. Do not use aerial photography to create the sketch.
12. An Encroachment Agreement, once executed, shall be registered on title and an annual fee shall apply.
13. The Applicant/Owner acknowledges that an annual encroachment fee (plus HST) will be payable for use of the City's Lands. The fee will be the higher of either:
 - (a) our rate calculated on the basis of the market value of the encroachment area, OR
 - (b) \$500.00
14. The Applicant further acknowledges and accepts that if an Encroachment Agreement Application is approved, a further cost consisting of legal fees and disbursements are payable to the City of Mississauga for the preparation and registration of the Encroachment Agreement on title. These fees are calculated in accordance with the City's General Fees & Charges by-law which you can access at: [User Fees and Charges By-law – City of Mississauga](#). The legal fees for document preparation are \$258 + \$33.54 (HST) (subject to increase based on the complexity of the agreement and file requirements). The legal fee for registration on title is \$278 + \$36.14 (HST). The Teraview registration fee is \$84.23 (this fee is subject to change in accordance with the pricing provided by Teraview). The total legal fee is a minimum of \$688.79 based on the numbers used above.

Encroachment Agreement Application Checklist

- Properly completed Application form, signed and dated.
- Detailed electronic black and white sketch **prepared by an Engineer, Architect or Surveyor in good standing** showing ALL encroachments and dimensions. See requirements and sample sketches attached. Do not use aerial photography to create the sketch. The sketch must be made in high resolution and submitted electronically.
- Application Fee is \$744.67 (\$659 + \$85.67 (HST)) payable to the City of Mississauga. 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: The application fee is non-refundable (whether or not the encroachment application is approved).
- Acknowledgement and Authorization letter (signed by owner), to be completed if the Applicant is not the registered owner.
- Include a copy of the following as applicable:
 - (a) Articles of Incorporation or Letters Patent,
 - (b) recent Corporate Profile Report,
 - (c) recent Certificate of Status, or
 - (d) if property owner is a partnership, include the Partnership Registration Form
- A copy of the Transfer/Deed to the property showing the name of the property owner(s).
- Property Parcel Register from the Land Registry Office that is not older than 2 months. You can obtain a copy from your real estate lawyer or from ONLAND by visiting the following website: <https://www.onland.ca/ui/>.
- 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 employees that you have been dealing with in connection with these documents.

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.

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 special circumstances)

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

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

PLEASE NOTE: Prior to initiating the Encroachment Agreement for tiebacks, applicants must first apply for a “Shoring and Excavation Engineering Clearance” (SEEC) from Development Engineering (<https://www.mississauga.ca/services-and-programs/building-and-renovating/excavation-shoring-approval-process/>)

Development Application No. and/or Building Permit Number

Name of City Planner assigned to the Development file

Name of Development Engineering staff assigned to the Shoring & Excavation Engineering Clearance

Municipal Address of Development Site

Public Utility Coordinating Community (“PUCC”) has been completed and a copy of the approval is attached. *(Note: Pucc approval must be obtained prior to submitting an application for tieback encroachment agreement) Contact Development Engineering staff for Pucc process details.*

Please note that the encroachment sketch showing the shoring & tiebacks (see minimum requirements for encroachment sketch and sample attached) must be uploaded to the SEEC SharePoint site for review and approval by staff with the Development Engineering Division of the Transportation & Works Department.

A written cost estimate for tieback removal based on a per linear metre (\$500 L/M) of tieback frontage will be used to establish securities and must be uploaded to the SEEC SharePoint site for review and approval by Development Engineering staff.

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.

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)

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