



THE CORPORATION OF THE CITY OF QUINTE WEST Encroachment Procedure

A Natural Attraction

1. Criteria for Encroachment Request

- 1.1 All requests for encroachment shall conform to the procedures outlined herein.
- 1.2 All requests for encroachment shall be submitted to the Deputy City Clerk in the form attached hereto as Appendix A and shall contain a deposit payable to the City of Quinte West in the amount of \$600.00 PLUS a **non-refundable** administration fee as referenced in the Consolidated Fees and Charges By-Law.
- 1.3 The applicant shall be responsible for all legal costs associated with the encroachment.
- 1.4 The applicant may be required to submit funds in addition to the initial deposit indicated in Section 1.2 in order for the application process to continue and be finalized.
- 1.5 The Grantee shall, at its sole cost and expense, take out and keep in force throughout the Term of this Agreement, Comprehensive General Liability insurance on an occurrence basis for an amount not less than Two Million (\$2,000,000) or Five Million (\$5,000,000) dollars for any negligent acts or omissions by the (company/name above) relating to its obligations under this Agreement. Such insurance shall include, but is not limited to Bodily Injury and Property Damage including loss of use; personal injury; contractual liability; premises, property & operations; non-owned automobile liability, broad form property damage, owners and contractors' protective, products and completed operations, employees as Additional Insured, occurrence property damage, contingent employers liability, cross liability and severability of interest clauses.
- 1.6 The applicant shall be required to submit proof of insurance in the form of a valid certificate of the insurance to the Corporation of the City of Quinte West, as requested by the Corporation of the City of Quinte West and/or prior to the Commencement Date of this Agreement (and a renewal replacement on or before any subsequent policy renewal), referencing this Agreement and such insurance shall add the Corporation of the City of Quinte West as an additional insured. Such certificate of insurance shall confirm the coverage set out in this Article. A copy of the policy, if required by the Corporation of the City of Quinte West, shall be made available to the Corporation of the City of Quinte West.

2. Review Process

- 2.1 City staff will circulate relevant documents and background information to affected departments and the City solicitor (if necessary) for comment. Staff comments will be forwarded to the applicant at this time with a request for the applicant to confirm in writing their wish to proceed or decline moving forward with the application.

3. Report to Council

- 3.1 Upon receipt of confirmation under 2.1 City staff will prepare a report outlining the request and the results of the review process will be submitted to Council with a staff recommendation to either:
 - a) deny the request for encroachment; or
 - b) approve the request for encroachment
- 3.2 If the recommendation to deny the request is approved by Council, the City will return the deposit, less the non-refundable administration fee, plus any additional expenses incurred, to the applicant.
- 3.3 If the recommendation to proceed is approved by Council, the City will:
 - a) prepare documentation for Council's approval of the application.

4. Completion of the Transaction

- 4.1 Following Council enactment of the By-law, City staff will forward all necessary documentation, the encroachment agreement, to the City solicitor to complete the transaction.
- 4.2 Upon completion of the transaction the solicitor will provide the City with a statement of their final costs and three copies of final registered documents.
- 4.3 After the transaction is finalized and all invoices have been paid from the applicant's initial deposit, should a balance remain in the account a refund of the balance will be made to the applicant. Additionally, any invoices in excess of the initial deposit are the responsibility of the applicant.



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**APPENDIX A
CORPORATION OF THE CITY OF QUINTE WEST
Request for Encroachment**

1. **Applicant** (must be a registered owner of property).

Name: _____

Address: _____

Telephone: _____ Fax: _____ Email: _____

2. **Agent** (If applicable a separate Authorizing Agent Form is required).

Name: _____

Address: _____

Telephone: _____ Fax: _____ Email: _____

3. **Location of Encroachment:** Lot _____ Con _____ Ward _____

4. **Legal Description of Applicant's Property:**

5. **Reason for Request:** (attach letter if insufficient space)

6. **Required attachments:**

- o Survey with enlarged detail showing encroachment specifics

- o Proof of ownership of lands
- o Authorization of Agent (if applicable)
- o Deposit of \$600.00, payable to the City of Quinte West PLUS Non-refundable administration fee, as per Consolidated Fees and Charges By-Law
- o Other (specify):

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I have read and understand the attached Encroachment Procedures/Criteria and I agree that I shall be responsible for all costs associated with the requested encroachment.

Dated this _____ day of _____, 20_____.

Signature of Applicant

Personal information on this form is collected under the authority of the Municipal Act, 2001 (c. 25 as amended) and will be used to process the applicant's request.

**Appointment of Authorized Agent
Request for Encroachment**

Please note that once you appoint an agent to act on your behalf, all correspondence, etc related to the application will be sent directly to the agent.

I _____ of _____
Applicant's name Place of Residence

Hereby appoint _____ to act
as agent

Agent's Name

on my behalf regarding a request for encroachment at

Lot, Concession, Ward

Declared before me at the City of
Quinte West, County of Hastings,
This _____ day of _____, 20____.

Signature of Applicant

Signature of Commissioner of Oaths

*Personal information on this form is collected under the authority of the Municipal
Act, 2001 (c. 25 as amended) and will be used to process the applicant's
request.*