

THE CITY OF VAUGHAN

BY-LAW

ENCROACHMENT

(Consolidated Version – Enacted as By-law [034-2017](#))

Last consolidated on December 21, 2023. City of Vaughan by-laws are provided online for convenient public reference. By-laws are consolidated on an ongoing basis, but recent amendments may not be reflected in the latest consolidated version. Check the [Amendment History](#) to get a complete listing of all pertinent regulations. For further information contact the Office of the Director and Chief Licensing Officer.

A By-law of the Corporation of the City of Vaughan regulating Encroachments on Public Lands, to repeal By-law Number 054-2016.

WHEREAS the *Municipal Act, 2001*, S.O. 2001, c.25 (hereinafter the “Municipal Act, 2001”) provides that a municipality may pass by-laws within the following spheres of jurisdiction: Highways, including parking and traffic on highways at section 11(3) 1; Culture, parks, recreation and heritage at section 11(3) 5; and Structures, including fences and signs at section 11(3) 7 and any other provisions relating to the City owned property, whether land or buildings;

AND WHEREAS section 8(1) of the *Municipal Act, 2001* provides that sections 8 and 11 shall be interpreted broadly as to confer broad authority on municipalities to (a) enable them to govern their affairs as they consider appropriate, and (b) enhance their ability to respond to municipal issues;

AND WHEREAS section 391(c) of the *Municipal Act, 2001* provides that a municipality may pass by-laws imposing fees or charges on any class of persons for the use of its property, including property under its control;

AND WHEREAS section 446(1) of the *Municipal Act, 2001* provides that a municipality, in default of a person doing things that he or she is required to do under by-law, may do such things at the person’s expense;

AND WHEREAS section 446(2) of the *Municipal Act* provides that for purposes of section 446(1) the municipality may enter upon land at any reasonable time;

AND WHEREAS section 446(3) of the *Municipal Act, 2001* provides that the costs incurred by a municipality in doing things under section 446(1) may be recovered by adding the costs to the tax roll and collecting them in the same manner as taxes;

AND WHEREAS it is the wish of the Council of The Corporation of the City of Vaughan to pass a by-law that reflects the needs of its communities by promoting through regulation the responsible use of the public boulevard, while protecting the broader public interest by ensuring the safety and accessibility of its property, including property under its control;

NOW THEREFORE the Council of The Corporation of the City of Vaughan ENACTS AS FOLLOWS:

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 **1.0 Authority and Short Title**

- (1) This By-law was approved by [Item No. 8 of Report No. 10 of the Committee of the Whole](#) and passed by City Council on April 19, 2017. [Added by subsection 1(a) of [By-law 162-2019](#) on November 19, 2019.]
- (2) The By-law shall be known and referenced as the “Encroachment By-law.” [Added by subsection 1(a) of [By-law 162-2019](#) on November 19, 2019.]

 **2.0 Applicability and Scope**

- (1) This By-law applies to all *Public Lands* within the boundaries of the City of Vaughan. [Added by subsection 1(b) of [By-law 162-2019](#) on November 19, 2019.]
- (2) Notwithstanding any other sections in this By-law, this By-law does not apply to the following:
 - (a) Signs as authorized through [By-law Number 140-2018](#), known as the Signage By-law”, as amended or their successor by-laws;
 - (b) Collectible Waste as defined and provided for through Waste Collection [By-law No. 135-2017](#), as may be amended from time to time, or its successor by-law;
 - (c) Waste, as defined and provided for through Littering and Dumping [By-law No. 3-2004](#), as amended, or its successor by-law;
 - (d) Maintenance and occupancy of property, as authorized through [By-law](#)

[Number 231-2011](#), known as the “Property Standards By-law”, or its successor by-law;

- (e) Newspaper boxes, as authorized through [By-law Number 372-2004](#), as amended, known as the Newspaper Box By-law”, or its successor by-law;
- (f) Mailboxes belonging to the Canada Post Corporation or any of its agents;
- (g) Properties that are designated by *City* by-law as being of historic or architectural value or interest pursuant to the *Ontario Heritage Act, R.S.O. 1990, c. 0.18*, as amended;
- (h) A temporary *Encroachment* arising from construction, maintenance or other activity as authorized under a valid *Temporary Permit* issued by the *City*;
- (i) An *Encroachment* permitted as a result of a written and signed agreement with the *City*, other than an *Encroachment Permit* or an *Encroachment Agreement*;
- (j) An *Encroachment* arising as a result of a Committee of Adjustment decision permitting the *Owner* of residential *Private Property* to widen his or her driveway, providing a curb cut application/permit from the *City* is also issued to the owner; and
- (k) An *Encroachment* arising from surface changes made in connection with residential driveways, provided such *Encroachments* have not been constructed within the *Sight Triangle* and do not breach any other municipal by-law or regulation.

[Renumbered by subsection 1(b) of [By-law 162-2019](#) on November 19, 2019.]

3.0 Definitions and Interpretation

- (1) In this By-law:
 - (a) “Aerial Encroachment” means any projection of an object, other than a tree or other planting, that is located on *Private Property* and projects at least 30 centimetres above the surface of *Public Lands* (as measured from the highest point of the object that projects over *Public Lands*);
 - (b) “Alter” means a change in grading form or substance from its original state;
 - (c) “Boulevard” means that part of a *Highway* that is not used, or intended to be used, for vehicular travel by the general public, and is situated between the travelled portion of the road and the adjoining property line, including the 0.3 metre reserve, where applicable;
 - (d) “City” means the Corporation of the City of Vaughan, in the Regional Municipality of York;
 - (e) “City Infrastructure” means any *City* asset, whether located below, on, or above grade;

- (f) “Complex Encroachment” includes any *Aerial Encroachment*, *Sub-surface Encroachment*, and any other *Encroachment* that the *City* deems to be a major *Encroachment* including, but is not limited to, below-grade hydro installations, heated driveways, and *Encroachments* related to commercial *Private Property*;
- (g) “Director” means the *City’s* Director of By-law & Compliance, Licensing & Permit Services and shall include his or her designate;
- (h) “Emergency” means any condition, matter or thing that poses an immediate danger to the health or safety of any *Person*;
- (i) “Easement” means an interest in land owned by another person, consisting in the right to use or control the land, or an area above or below it, for a specific limited purpose, but does not include an interest created by a licence;
- (j) “Encroachment” means any type of landscaping or vegetation, natural or man-made object or item of *Personal Property*, that is located wholly on *Public Lands* that are adjacent to *Private Property*, or is located at least partially on *Private Property* and extends onto *Public Lands*, and includes *Complex Encroachments*, *Simple Encroachments* and *Unauthorized Encroachments*;
- (k) “Encroachment Agreement” means an agreement that was executed under authority of [By-law Number 244-2005](#) between the *City* and an *Owner*, granting the *Owner* authority to erect, place, Alter or continue an *Encroachment*;
- (l) “Encroachment Permit” means a licence (permit) issued by the *City* to an *Owner*, granting the *Owner* authority to erect, place, *Alter* or continue a *Complex Encroachment* under [By-law 054-2016](#) or this By-law;
- (m) “Expenses” means any and all sums of money actually spent or required to be spent by the *City*, and shall include but not be limited to all charges, costs, application fees, administration fees, dispute resolution/mediation fees, survey fees, taxes, outlays, legal fees and losses;
- (n) “Fence” means a barrier or any structure, except a structural part of a building, that wholly or partly screens from view, encloses or divides a yard or other land, or marks or substantially marks the boundary between adjoining land, and includes any shrubbery or other plantings that have the same effect;
- (o) “Highway” means a common and public highway, any part of which is intended for or used by the general public for the passage of vehicles and pedestrians and includes the area between the property lines thereof;
- (p) “Municipal Law Enforcement Officer” means an individual appointed or employed by the *City* as a municipal law enforcement officer under section 15 of the *Police Services Act*, R.S.O. 1990, c. P.15, as amended;

- (q) “Notice” means any notice required to be given by the *City* to the *Owner* with respect to this By-law, such *Notice* shall either delivered or sent by prepaid registered mail to the *Owner’s* address, as provided to the *City’s* Clerk’s Department. A *Notice* includes an order issued under sections 444 and 445 of the *Municipal Act*, as amended. In the event such *Notice* is mailed, it is deemed delivered on the fifth business day after mailing; [Amended by section 1. of the [By-law 241-2022](#) on November 29, 2022]
- (r) “Owner” means the registered owner of the *Private Property*;
- (s) “Person” means an individual, partnership, association, firm or corporation, business entity or club, incorporated group or organization, federal or provincial government, crown agents, school boards and regional municipalities, to whom the context can apply in accordance with the *Interpretation Act of Ontario*, as amended, but specifically excludes the *City*;
- (t) “Personal Property” means any object or item of property other than real property, that is owned by a *Person*;
- (u) “Private Property” means a parcel of real property, as it is described in the records of the land registry office, that is owned by a *Person*, and includes all buildings and structures thereon;
- (v) “Public Boulevard Appurtenance” means any *City* asset located above grade on the *Boulevard* and includes, but is not limited to, fire hydrants, hydro boxes, street lamps, street furniture, and *City* trees or other plantings;
- (w) “Public Lands” means lands owned by the *City*, and shall include but not be limited to the *Boulevard*, any *Highway*, lane, alley, square, place, viaduct or trestle, water, way or bridge, park, woodland, greenbelt, storm water management facility, open space, municipal golf course or cemetery, and all parts thereof, including any surface, grassed area, boulevard, ditch, curb, gutter and sidewalk, but does not include property owned by the Regional, Provincial, Federal Government, a Crown Corporation, Hydro, Utility or Railway Company;
- (x) “Region” means the Corporation of the Regional Municipality of York;
- (y) “Sight Triangle” means the portion of a corner lot within a triangular space formed by sightline and sight distance requirements, as set out in the *City of Vaughan’s/Region of York’s Standard Drawings/Criteria*, and measured along each street’s right-of-way from the point where such street lines intersect;
- (z) “Simple Encroachment” means any *Encroachment* onto a *Boulevard* that is allowed without the need for an *Encroachment Permit*;
- (aa) “Street” means that part of a *Highway* used or intended to be used for vehicular travel by the general public;

- (bb) “Sub-surface Encroachment” means any *Encroachment*, or part thereof, that extends more than 20 centimetres below grade;
- (cc) “Temporary Permit” means a Road Occupancy Permit or other *City* permit to manage the activities on or adjacent to *Public Lands*;
- (dd) “Unauthorized Encroachment” means any *Encroachment* not authorized by this By-law.

[The following sections have been renumbered, as per section 1(c) of [By-law 162-2019](#) on November 19, 2019.]

4.0 Prohibitions and Restrictions on Encroachments

- (1) Whether deliberately or inadvertently, no *Person* shall erect, place, *Alter* or continue, or cause to be erected, placed or continued, an *Encroachment* of any kind on *Public Lands*, or *Easement* in favour of the *City*, except as permitted by this By-law.
- (2) *Simple Encroachments*, subject to the conditions and requirements of this By-law are permitted as of right.
- (3) *Complex Encroachments*, subject to the conditions and requirements of this By-law, are only permitted under the authority of an *Encroachment Permit*.
- (4) No *Person* shall erect, place, *Alter* or continue a *Simple Encroachment* or a *Complex Encroachment* if it:
 - (a) is located on or extends onto any Public Lands other than the Boulevard;
 - (b) creates an unsafe condition or a hazard;
 - (c) interferes with regular City operations;
 - (d) modifies or interferes with City Infrastructure;
 - (e) is not maintained in a state of good repair; or
 - (f) contravenes this or any other City or Region by-laws.
- (5) Without limiting section 4.0(4), *Simple Encroachments* and *Complex Encroachments* may only extend above grade if they are located:
 - (a) more than 30 centimetres from a sidewalk; and
 - (b) more than 100 centimetres from the street curb.
- (6) No *Simple Encroachment* or *Complex Encroachment* shall extend above grade more than 30 centimetres, as measured at the curb, within a *Sight Triangle*.
- (7) No *Simple Encroachment* or *Complex Encroachment* shall be erected, placed or *Altered*, or continued:
 - (a) within 100 centimetres of any *Public Boulevard Appurtenance*;
 - (b) within 200 centimetres of any fire hydrant, if it extends above grade more than 30 centimetres; and

- (c) within 300 centimetres of the access side of an outdoor transformer installation.
- (8) No *Fence* that encroaches onto the *Boulevard* shall:
- (a) exceed a height of 1.2 metres for that portion of the *Fence* erected in a residential front yard, unless such yard abuts a rear yard, in which case the encroaching *Fence* may not exceed 2.0 metres. [Amended by section 1.(b) of [By-law 166-2020](#) on November 17, 2020.];
 - (b) exceed a height of 2.0 metres for that portion of the *Fence* located along a residential side yard or rear yard [Amended by section 1.(b) of [By-law 166-2020](#) on November 17, 2020.];
 - (c) exceed a height of 3.0 metres in a non-residential zone;
 - (d) otherwise contravene the height restriction in Fence [By-law No. 80-90](#), as amended, or its successor by-law; or
 - (e) enclose any *Public Boulevard Appurtenance*.
- (9) Every *Fence* that encroaches onto the *Boulevard* shall meet the construction and maintenance standards prescribed in Fence [By-law No. 80-90](#), as amended, or its successor by-law, including all requirements for a pool fence, where applicable.
- (1) Notwithstanding section 4.0(8), Fences that Encroach onto the Boulevard are subject to the fence height exemption application process, pursuant to Fence By-law 80-90, as amended or its successor by-law. [Amended by section 1.(a) of [By-law 166-2020](#) on November 17, 2020.]
- (10) Any tree or other planting located on *Private Property* that has branches or foliage that extend onto a *Sight Triangle* shall have such branches or foliage trimmed back to the property line to a height of at least 1.8 metres above grade, as measured at the curb.



5.0 Application for Encroachment Permit

- (1) Any Owner requesting an Encroachment Permit shall:
 - (a) submit a completed application, as prescribed by the *Director*;
 - (b) pay the prescribed fee, as per Fees and Charges By-law No. 171-2013, as amended, or its successor by-law; and
 - (c) upon receiving *Notice* that the request has been approved, execute the permit and pay any applicable *Expenses* within thirty (30) days of being notified.
- (2) Where a request by an *Owner* to erect, place, *Alter*, or continue a *Complex Encroachment* has been approved and the *Owner* has received *Notice* and where the *Owner* has not executed the *Encroachment Permit* or paid the applicable *Expenses* within 30 days of being notified, the *Owner* shall be deemed to have abandoned his application and forfeited any fees paid.

- (3) Where there is an existing *Encroachment Agreement* or *Encroachment Permit* at the time this By-law comes into force, such *Encroachment Agreement* or *Encroachment Permit* shall be allowed to continue under the provisions of this By-law.

6.0 Liability

- (1) The provisions of this By-law shall not be construed as relieving or limiting the responsibility or liability of any *Person* who has lawfully or unlawfully erected, placed, *Altered* or continued an *Encroachment* from any personal injury, including injury resulting in death or property damage resulting from such *Encroachment*, or from acts or omissions of such *Person*, or his or her agents, employees or contractors, in the erection, placement, alteration, continuation or removal of the *Encroachment*. Likewise, provisions of this By-law shall not be construed as acceptance by the *City*, its officers, employees, or agents of any responsibility or liability whatsoever by reason of allowing an *Encroachment*, approving the request for an *Encroachment Agreement*, or removing an *Unauthorized Encroachment*.
- (2) The *City* is not responsible for any damages, losses or injuries caused by or to an *Encroachment*. For further clarity, the *City* is not responsible for any damages caused to an *Encroachment* as a result of the *City's* operations, including, but not limited to, ploughing, grass cutting, *Boulevard* tree maintenance, or the repair and maintenance of the *City's* infrastructure.

7.0 Indemnification

- (1) The holder of an *Encroachment Agreement* or *Encroachment Permit* shall be jointly and severally responsible to indemnify the *City*, its officers, employees, and agents from all losses, damages, costs, expenses, claims, demands, actions, lawsuits, or other proceedings of every nature and kind arising from, and in consequence of, the erection, placement, *Alteration*, continuation or removal of an *Unauthorized Encroachment*.
- (2) An *Owner* who holds an *Encroachment Agreement* or an *Encroachment Permit* shall:
 - (a) if he or she is a residential *Owner*, file annually with the *City* a certificate of general liability insurance for the property to which the *Encroachment* relates, that is satisfactory to the *Director*; or
 - (b) if he or she is a commercial *Owner*, file annually with the *City* a certificate of general liability insurance for the property to which the *Encroachment* relates and showing the *City* as an additional insured, that is satisfactory to the *Director*.

8.0 Registration

- (1) Where the *Director* deems it appropriate, an *Encroachment Permit* may be registered against title to the applicant's property with the land registry office and all expenses in doing so shall be paid in advance by the *Owner* applying for the permit.

9.0 Authority of Director

- (1) The *Director* shall have delegated authority to:
 - (a) revise fees and charges dealing with *Encroachments* under Fees and Charges [By-law No. 171-2013](#), as amended, or its successor by-law;
 - (b) approve or reject any application submitted for an *Encroachment Permit*;
 - (c) revoke an *Encroachment Permit* or *Encroachment Agreement* that has been issued as a result of false or misleading statements, or undertakings, in the application, or that has been issued in error;
 - (d) impose terms and conditions on any application for an *Encroachment Permit* as deemed appropriate under this By-law;
 - (e) determine whether any *Encroachment Agreement* or *Encroachment Permit* expiring on a date after the date of enactment and passage of this By-law shall be renewed, extended, or amended; and
 - (f) impose mandatory mediation before taking a *Person* to court.

10.0 No Vested Right

- (1) Nothing in this By-law, including the execution of an *Encroachment Permit* or *Encroachment Agreement*, creates a vested right in the *Owner* or in the occupant of the *Private Property* to which an *Encroachment* is appurtenant, or in any other *Person*, and thus any *Encroachment* may be revoked in accordance with the provisions of this By-law or the conditions of an *Encroachment Permit* or *Encroachment Agreement* issued under this or a previous By-law. There shall be no adverse possession of the *Public Lands* on which the *Encroachment* is located.

11.0 Discontinuance of an Encroachment

- (1) If an *Owner* intends to permanently discontinue an *Encroachment*, he or she shall notify the *Director* in writing and the *Director* shall thereafter have a *Notice* sent to the *Owner* advising of the *Owner's* obligation to remove the *Encroachment* and restore the *Public Lands* to their former condition at the *Owner's* expense.
- (2) If the *Director* is of the opinion that a breach of the terms and conditions of an *Encroachment Permit* or an *Encroachment Agreement* has occurred, or that the term of said *Permit* or *Agreement* has expired, and that the *Encroachment* should be discontinued, the *Director* may have a *Notice* sent to the *Owner* advising of his or her obligation to remove the *Encroachment* and restore the *Public Lands* to their former condition at the *Owner's* expense.
- (3) Where the *Owner* fails to comply with a *Notice* issued under section 11.0(1) or 11.0(2), the *Encroachment* may be removed by the *City* and the *Public Lands* restored to their former condition at the expense of the *Owner*, and such *Expense* to be recovered in the manner provided in sections 15.0(1) and 15.0(2) below and until the subject *Encroachment* is removed, any *Expenses* incurred by

the *City* with respect to the *Encroachment* shall continue to be paid by the *Owner*..

12.0 City Work and Emergency Situations

- (1) Where in the course of performing maintenance, repairs or any other public works, the *Director* deems it appropriate to remove an *Encroachment*, the *Director* shall:
 - (a) in the case of a *Complex Encroachment*, for which there is a valid *Encroachment Permit* or *Encroachment Agreement*, provide a *Notice* advising of the work to be conducted and the approximate starting date for that work;
 - (b) in the case of any other *Encroachment*, remove said *Encroachment* to the extent necessary to conduct the *City* work;
 - (c) upon completion of the *City* work, be responsible only for returning the *Public Lands* back to their condition prior to the *Encroachment*.
- (2) Notwithstanding sub-section 12.0(1)(a), if the *Director* deems an *Emergency* to exist or could exist, the *Director* may cause, without *Notice*, any action required to abate the *Emergency*, including but not limited to removing any *Encroachment*, and in such case the *City* shall be responsible only for returning the *Public Lands* to a standard acceptable to the *City*.

13.0 Failing to Maintain an Encroachment

- (1) Where the *Owner* fails to maintain an *Encroachment* in accordance with the provisions of this By-law or an *Encroachment Permit* or *Encroachment Agreement*, the *Director* may send a *Notice* to the *Owner* advising him or her of the deficiency resulting in non-compliance and of the period of time provided to the *Owner* to bring the *Encroachment* into compliance.
- (2) Where the *Owner* fails to bring an *Encroachment* into compliance in accordance with the *Notice* issued under section 13.0(1), the *City*, may on behalf of the *Owner*, remove of the *Encroachment* and bring the *Public Lands* to a standard acceptable to the *City*, at the *Owner's* expense and such *Expense* is to be recovered in full in the manner provided in sections 15.0(1) and 15.0(2) below..

14.0 Removal of Unauthorized Encroachments

- (1) Where the *City* becomes aware of an *Unauthorized Encroachment*, the *City* may give *Notice* to the *Owner* of the *Private Property* to which the *Unauthorized Encroachment* is appurtenant to remove the *Encroachment* and restore the *Public Lands* to their former condition at his or her expense.
- (2) Where an *Owner* does not comply with a *Notice* given to him or her under section 14.0(1), the *City* may undertake to remove the *Encroachment* and bring the lands back to their former condition at the *Owner's* expense and such *Expense* to be recovered in full in the manner provided in sections 15.0(1) and 15.0(2).
- (3) Any material or structure forming part of or attached to the *Encroachment* removed by the *City* under section 14.0(2) may, at the discretion of the *Director*,

be relocated onto *Public Lands*, without compensation to the *Owner* or may be deposited at the *Owner's Private Property* or be stored for 30 days at the *Owner's* expense, and such *Expense* to be recovered in full in a manner provided in sections 15.0(1) and 15.0(2). Any items stored and not claimed by the *Owner* within the said 30-day period shall be disposed of by the *City* in such manner as it deems appropriate and without any compensation to the *Owner*.

15.0 Recovery of Expenses

- (1) All *Expenses* incurred by the *City* in connection with the enforcement of this by-law shall be paid within 30 days of their billing date, and in the event of failure to pay the entire amount due within the said 30 days, at the discretion of the *City*, the outstanding balance of the invoice may thereafter be added to the tax roll as of the year in which the *Expenses* were billed.
- (2) Notwithstanding section 15.0(1), the *City* may recover all *Expenses* owing under the enforcement of this By-law by a court action as a debt due to the *City*.

16.0 Administrative Monetary Penalties

- (1) Instead of laying a charge under the *Provincial Offences Act*, R.S.O. 1990, Chapter P.33, as amended, for a breach of any provisions of this By-law, an officer may issue an administrative monetary penalty to the *Person* who has contravened this By-law.
- (2) If an administrative monetary penalty is issued to a *Person* under section 16.0(1), no charge shall be laid against that same *Person* for the same breach.
- (3) The amount of the administrative monetary penalty for a breach under this By-law is \$400.
- (4) A *Person* who is issued an administrative monetary penalty shall be subject to the procedures provided for in the Administrative Monetary Penalties By-law 063-2019, as amended, or its successor by-law.
- (5) An administrative monetary penalty imposed on a *Person* that becomes a debt to the *City* under the Administrative Monetary Penalties By-law 063- 2019, as amended, or its successor by-law, may be added to the municipal tax roll and collected in the same manner as municipal taxes. [Added by section 1. of [By-law 185-2023](#) on November 14, 2023].

16.1 Fines

- (1) Every *Person* who is convicted of an offence under this By-law is liable to a fine as provided for in the *Provincial Offences Act*, R.S.O. 1990, Chap. P.33.
- (2) Every *Person* who contravenes this By-law is guilty of an offence and on conviction is liable to pay a fine, exclusive of *Expenses*, as provided for in the *Provincial Offences Act of Ontario*, R.S.O. 1990, c. P.33, as amended. [Amended by section 1. of [By-law 185-2023](#) on November 14, 2023].

17.0 Owner's Responsibility

- (1) The *Owner* is deemed to be responsible for any and all *Encroachments* located

on his or her *Private Property* and will be held responsible for any violations of this By-law as they relate to his or her *Private Property*.

← 18.0 Prohibition Order

- (1) Where a *Person* is convicted of an offence under this By-law,
 - (a) the Superior Court of Justice, or
 - (b) any other court of competent jurisdiction,may, in addition to any other penalties imposed on the *Person* convicted, issue an order prohibiting the continuation or repetition of the offence or the doing of any act or thing by the *Person* convicted.

← 19.0 Enforcement

- (1) A *Municipal Law Enforcement Officer*, employee, or agent of the *City* acting under this By-law may enter and inspect all lands, buildings, structures or parts thereof that are subject to this By-law at any reasonable time with or without *Notice* at the discretion of the *City* for the purposes of determining whether there is compliance with this By-law.

← 20.0 General

- (1) In this By-law, unless the context otherwise requires, wording imparting the singular number shall include the plural, and words imparting the masculine gender shall include the feminine, and further, the converse of the foregoing also applies where the context so requires.

← 21.0 Right of Access

- (1) No *Person* shall obstruct, hinder or interfere with the free access to any *Encroachment* by a *Municipal Law Enforcement Officer*, employee, or agent of the *City*.

← 22.0 Transition

- (1) Any *Encroachment Agreement* or *Encroachment Permit* valid and binding at the date of enactment of this By-law shall not require further authorization pursuant to this By-law until the *Encroachment Agreement* or *Encroachment Permit* expires or is otherwise terminated.
- (2) Subject to section 22.0(1), this By-law shall apply to all *Encroachments* that existed or were created before this By-law was enacted and passed.

← 23.0 Severability

- (1) Where a court of competent jurisdiction declares any section of this By-law to be invalid, or to be not in force, or without effect, it is the intention of City Council in enacting this By-law that the remainder of this By-law shall continue in force and be applied and enforced in accordance with its terms to the fullest extent possible according to law.

← **24.0 Conflict with Other By-laws**

- (1) Where there is a conflict or contradiction between this By-law and any other by-law of the *City*, the provisions establishing the higher standard shall prevail.

← **25.0 Repeal and Amendment of Other By-laws**

- (1) Encroachment By-law No. 054-2016 is hereby repealed.
- (2) Schedule 1 of the Administrative Monetary Penalties By-law is hereby amended by including this By-law as a *Designated By-law*. [Amended by section 2. of [By-law 185-2023](#) on November 14, 2023].

← **26.0 Force and Effect**

- (1) This By-law shall come into force and effect on the date it is enacted.

Enacted by City of Vaughan Council this 19th day of April, 2017.

Hon. Maurizio Bevilacqua, Mayor

Todd Coles, City Clerk

Authorized by [Item No. 8 of Report No. 10 of the Committee of the Whole](#)
Adopted by Vaughan City Council on
March 21, 2017.

AMENDMENT HISTORY

ENCROACHMENT BY-LAW

DATE (YYYY/MM/DD)	BY-LAW	AUTHORITY	CONSOLIDATED
2019 / 11 / 19	<u>162-2019</u>	<u>Item 11, Report 24, Committee of the Whole</u>	✓
2020 / 11 / 17	<u>166-2020</u>	<u>Item 6, Report 44, Committee of the Whole 1</u>	✓
2022 / 11 / 29	<u>241-2022</u>	<u>Item 12, Report 38, Committee of the Whole</u>	✓
2023 / 11 / 14	<u>185-2023</u>	<u>Item 6, Report 46, Committee of the Whole</u>	✓