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**REPORT TITLE:** Document Execution By-law Amendment to Authorize Execution of Tie-Back, Crane Swing, and Encroachment Agreements in Regional Roads

**FROM:** Patricia Caza, Chief Financial Officer and Commissioner of Corporate Services

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## **RECOMMENDATION**

- 1. That the Document Execution By-law 32-2017 be amended to grant delegated authority to the Commissioner of Public Works or the Director responsible for the program to enter into all documents and agreements necessary to permit encroachments in Regional roads, including tie-backs and crane swings; and**
- 2. That the necessary by-law to amend the Document Execution By-law 32-2017 be presented for enactment.**

## **REPORT HIGHLIGHTS**

- On May 11, 2023, Regional Council directed staff to streamline the process to approve and execute documents permitting tie-back agreements and crane swing agreements as part of the development/construction process without the requirement to seek Council approval.
  - An amendment to the Document Execution By-law 32-2017 is proposed to delegate authority to staff to permit encroachments in Regional roads and execute the documents necessary for this purpose.
  - The proposed amendment will increase efficiency, improve customer service, and reduce staff time.
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## **DISCUSSION**

### **1. Background**

On May 11, 2023, Regional Council directed staff to streamline the process to approve and execute documents permitting the encroachment of tie-backs and crane swings into Regional roads as part of the development and construction process without the requirement to seek Regional Council approval. As these agreements form encroachments onto Regional roads, they have historically been brought forward to Council for approval.

Staff have reviewed the development and construction process and note that agreements to permit encroachments in Regional roads, including tie-back agreements and crane swing agreements, can be negotiated and processed more expeditiously by delegating the authority to enter into such agreements to staff. This would remove the additional time and process required to obtain Regional Council approval to permit such encroachments.

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## 2. Findings

Since January 1, 2019, 21 reports have been brought forward to seek Regional Council's approval for the Region to enter into agreements to permit various encroachments in Regional Roads. The reports are broken down as follows:

- Four Tie-back Agreements
- Eight Crane Swing Agreements
- Nine Encroachment Agreements to permit other encroachments.

At the time of writing this report, staff estimate the need to bring an additional seven reports to Regional Council in September 2023, to obtain approval to permit encroachments in Regional roads. Delegating authority to staff to approve these encroachments and execute the required agreements would eliminate the need for these reports to be brought forward for approval by Council, thereby expediting the process and improving efficiencies. The delegation of this authority can be accomplished by way of an amendment to the Region's Document Execution By-law 32-2017. It is proposed that the authority to execute such documents be delegated to the Commissioner of Public Works or Director responsible for the program.

The standard fees that are charged for encroachments onto Regional roads are approved by Council as part of the Region's Fees and Charges By-law and would be included in the documentation to be executed by staff.

## 3. Proposed Direction

Staff recommend that the Document Execution By-law 32-2017 be amended to include the following new sub-section 4.7, and that the necessary by-law amendment be brought forward to Council for enactment:

	Column 1	Column 2	Column 3
4.0 Public Works	Document	Designated Signing Authority	Ref. # and record?
4.7	Documents permitting encroachment on a Regional public highway, including: (i) encroachment agreements and the assignment, release or termination of encroachment agreements, (ii) tie-back agreements and the assignment, release or termination of tie-back agreements, (iii) crane swing agreements and the assignment, release or termination of crane swing agreements.	The Commissioner or Director responsible for the program.	Yes

## **Document Execution By-law Amendment to Authorize Execution of Tie-Back, Crane Swing, and Encroachment Agreements in Regional Roads**

### **RISK IMPLICATIONS**

The proposed by-law amendment reflects an appropriate delegation of signing authority to staff, consistent with the levels and type of delegation already contained in the existing by-law and previously delegated by Council, thereby presenting no additional risk to the Region.

### **BILL 112 RISKS AND IMPLICATIONS**

On May 18, 2023, the Province introduced Bill 112, *The Hazel McCallion Act (Peel Dissolution), 2023*. The Bill has subsequently received Royal Assent. The Act will dissolve the Region of Peel and make the Cities of Brampton and Mississauga and the Town of Caledon single-tier municipalities, effective January 1, 2025. The legislation provides for the establishment of a Transition Board to make recommendations on implementing the restructuring, which will include recommendations concerning Regional roads. Details of the transition are not known at this time and are to be addressed in future reporting to Regional Council, however, staff anticipate no impacts arising from Bill 112 on the recommendations contained in this report.

### **FINANCIAL IMPLICATIONS**

There are no financial implications. The proposed by-law amendment will increase efficiency, improve customer service, and reduce staff time.

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Patricia Caza, Chief Financial Officer and Commissioner of Corporate Services

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