
REPORT TITLE: Encroachment Agreement – 6933 Tomken Road (Derry Road East) – City of Mississauga, Ward 5 – Owner: Catholic Cemeteries & Funeral Services – Archdiocese of Toronto

**FROM: Kathryn Lockyer, Interim Commissioner of Corporate Services
Andrew Farr, Interim Commissioner of Public Works**

RECOMMENDATION

That the encroachment of an existing chain link fence and existing trees on Regional Road 5 (Derry Road East), adjacent to the property known municipally as 6933 Tomken Road, Mississauga, be permitted in accordance with the terms and conditions contained in an Encroachment Agreement between The Regional Municipality of Peel and Catholic Cemeteries & Funeral Services – Archdiocese of Toronto;

And further, that the necessary by-law be presented for enactment.

REPORT HIGHLIGHTS

- Regional Council approval is required to permit an existing chain link fence and existing trees to encroach within the widened limits of Regional Road 5 (Derry Road East).

DISCUSSION

Catholic Cemeteries & Funeral Services – Archdiocese of Toronto is the owner (the “Owner”) of the lands municipally know as 6933 Tomken Road, located on the southeast corner of Regional Road 5 (Derry Road East) and Tomken Road in the City of Mississauga.

The Owner submitted a Site Plan Application (SP-19-015M) and, as a condition of site plan approval and pursuant to the Region’s Official Plan, the Owner is required to gratuitously dedicate lands to The Regional Municipality of Peel (the “Region”) for road widening along Regional Road 5 (Derry Road East).

As a result of the gratuitous dedication of lands, an existing chain link fence and existing trees (the “Encroachment”) would now be located within the widened limits of Regional Road 5 (Derry Road East) and the Owner has requested the Region to permit the Encroachment to remain. Pursuant to Section 11(3) of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, Council approval is required to permit the Encroachment. By requirement, the Owner will enter into an Encroachment Agreement with the Region to permit the Encroachment to remain within the widened limits of Regional Road 5 (Derry Road East) as shown on Appendix I.

The Owner shall be responsible for all maintenance, costs and liability associated with the Encroachment. The Region will permit the Encroachment to remain in whole or in part until such

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a time that the lands are required by the Region for the purposes of improvement or widening of Regional Road 5 (Derry Road East).

Regional Staff have no objections to the Encroachment within the widened limits of Regional Road 5 (Derry Road East).

APPENDICES

Appendix I – Location Sketch

For further information regarding this report, please contact Lori-Ann Thomsen, Manager, Real Property and Facility Acquisitions - Real Estate, extension 7636, lori-ann.thomsen@peelregion.ca

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Reviewed and/or approved in workflow by:

Department Commissioners, Division Directors and Legal Services.

Final approval is by the Chief Administrative Officer.



N. Polsinelli, Interim Chief Administrative Officer