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**REPORT TITLE:**     **Encroachment Agreement – 17219 Highway 50 – Town of Caledon, Ward 4 – Owner: 2769739 Ontario Inc.**

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

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## **RECOMMENDATION**

**That the encroachment of existing concrete retaining walls, existing concrete stairs, an existing concrete driveway, existing coloured permeable paver borders, an existing sign, and existing coloured permeable pavers at the end of the driveway adjacent to the property known municipally as 17219 Highway 50, Town of Caledon, be permitted in accordance with the terms and conditions contained in an Encroachment Agreement, between The Regional Municipality of Peel and 2769739 Ontario Inc.;**

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

## **REPORT HIGHLIGHTS**

- The Regional Municipality of Peel entered into an Encroachment Agreement with Terence John Cutts, the previous owner of 17219 Highway 50.
- The property recently sold and the Encroachment Agreement is not assignable.
- Regional Council approval is required to enter into a new Encroachment Agreement between The Regional Municipality of Peel and 2769739 Ontario Inc. to permit existing concrete retaining walls, existing concrete stairs, an existing concrete driveway, existing coloured permeable paver borders, an existing sign and existing coloured permeable pavers at the end of the driveway to remain within the widened limits of Regional Road 50 (Highway 50).

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## **DISCUSSION**

The previous owner of 17219 Highway 50, Terence John Cutts, entered into an Encroachment Agreement with The Regional Municipality of Peel (the “Region”) for a term of 20 years, commencing on September 1, 2012 and terminating on August 31, 2032, (the “Original Encroachment Agreement”) to permit the encroachment of existing concrete retaining walls, existing concrete stairs, an existing concrete driveway, existing coloured permeable paver borders, an existing sign and existing coloured permeable pavers at the end of the driveway (the “Encroachment”).

The property recently sold and the Original Encroachment Agreement is not assignable. The new owner of 17219 Highway 50, 2769739 Ontario Inc. (the “Owner”) has requested to enter into a new Encroachment Agreement to permit the Encroachment under similar terms and conditions as the Original Encroachment Agreement.

**Encroachment Agreement – 17219 Highway 50 – Town of Caledon, Ward 4 – Owner:  
2769739 Ontario Inc.**

The Region has received a signed Encroachment Agreement from the Owner. The new Encroachment Agreement will commence on September 1, 2020 and will expire on August 31, 2032.

Pursuant to Section 11(3) of the *Municipal Act*, 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 within Regional Road 50 (Highway 50) as shown on Appendix I – Location Sketch.

The Owner will be responsible for all maintenance, costs and liability associated with the Encroachment.

Regional Staff have no objections to the Encroachment within Regional Road 50 (Highway 50).

**APPENDICES**

Appendix I – Location Sketch

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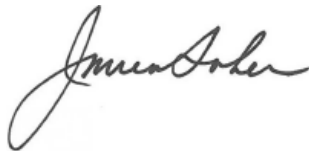
*For further information regarding this report, please contact Lori-Ann Thomsen, Manager, Real Property and Facilities Acquisitions, Real Estate, Extension 7636, lori-ann.thomsen@peelregion.ca.*

*Authored By: Lisa Masters, Real Estate Portfolio Analyst*

***Reviewed and/or approved in workflow by:***

Department Commissioners, Division Directors and Legal Services.

Final approval is by the Chief Administrative Officer.



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J. Baker, Chief Administrative Officer