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TO:	CHAIR AND MEMBERS PUBLIC SAFETY COMMITTEE MARCH 6, 2012
FROM:	G. KOTSIFAS, P. ENG. DIRECTOR OF BUILDING CONTROLS AND CHIEF BUILDING OFFICIAL
SUBJECT:	ENCROACHMENTS ONTO CITY PROPERTY PROJECT "RETURN TO NATURE"

RECOMMENDATION

That on the recommendation of the Director of Building Controls and Chief Building Official, this report on compliance and enforcement protocol to address encroachments onto City property **BE RECEIVED** for information purposes.

BACKGROUND

At its meeting on December 14, 2011, the Services Review Committee discussed enforcement actions related to encroachment onto City property. As a number of staff are involved in planning for and the maintenance of City park land including Environmentally Sensitive Areas (ESAs), a status report will be prepared for further discussion at the Services Review Committee. This report summarizes a proposed project to be undertaken in 2012 to address severe encroachments in London's ESA's only.

An encroachment occurs when a property owner deliberately or inadvertently intrudes on, in, under or over the ground space of adjacent City owned property such as park land, ESA or road allowance. There are several legitimate concerns with encroachments on public lands, including but not limited to:

- Damage to natural environment and/or ecologically sensitive ecosystems
- Restriction of use of public lands by all residents
- Liability claims from resultant injuries caused by safety hazard concerns
- Increased costs of restoration of public lands

In London there are approximately 1,060 private properties abutting seven publicly owned ESA's. Of these, approximately 600 properties have encroached into an ESA in a variety of manners:

- Play structures, sand boxes, swing sets
- Fences, dog runs, compost containers and piles
- Stairs, patios, decks, garden sheds
- Pools (permanent and portable), pool backwash outlets

Through a contract with the City, the UTRCA address minor encroachments and removes over 3,000lbs of debris from ESA's each year. Approximately 400 properties have contributed to minor encroachments which are easily resolved by relocating dog houses, composters, patio furniture, etc. The UTRCA will continue with these efforts as part of their contract with the City. However, there are approximately 160 severe encroachments where private property owners have installed decks, patios and structures in ESA's.

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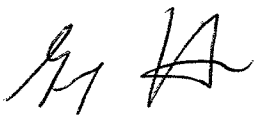
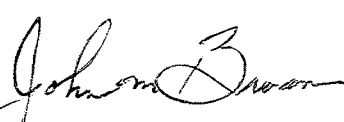
Beginning in the spring of 2012, Municipal Law Enforcement Officers (MLEO) will begin implementing project "Return to Nature". The intent of this project is to bring the lands which were either deliberately or inadvertently encroached onto back to a state which conforms with the intent of the Official Plan for ESA's and provides for equal access and enjoyment of London's park and open space system for all citizens.

Staff have identified the most severe and complex encroachments (approx. 40) and will employ the standard Municipal Law Enforcement Services protocol of:

- Education
- Voluntary compliance
- Enforcement actions

MLEO staff will work closely with all other departments within City Hall who have a role in ESA management and maintenance. If enforcement actions are required in terms of removing the encroachment, all costs of removal and restoration including inspection fees will be invoiced to the offending property owner.

This report has prepared with input from the Planning Division who manage London's ESA's and coordinate the City's contract with the UTRCA; Compliance and Public Relations Division and the UTRCA.

PREPARED BY:	
	
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PREPARED AND RECOMMENDED BY:	REVIEWED & CONCURRED BY:
	
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