



## REQUEST FOR ENCROACHMENT INFORMATION SHEET FOR APPLICANT

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### **Encroachment**

An encroachment is an item that is placed, erected or built on the public right-of-way for private use. Common encroachments include parking, ramps, fences, underground piping, porches, canopies and signs. Permission from the Town is required for items that encroach. The municipality may authorize the use of portions of the public highway for such encroachments by enacting an Encroachment By-law.

### **What is an encroachment by-law?**

- An encroachment by-law refers to an approval from a municipal corporation (Town of Arnprior) and any conditions thereof.

### **Will I automatically be granted an encroachment by-law?**

- Once an application is made for permission to encroach, the application will be circulated for comment to affected Town Departments and related agencies where applicable. The encroachment will be assessed for safety, accessibility, sight lines, etc. Application does not necessarily mean an encroachment by-law will be approved or adopted.

### **COMPLETION OF APPLICATION**

Every application must be completed in full. All applicable information requested on the application form must be provided before the application will be considered by staff and/or Council.

You should discuss your proposal with the Town Planner before submitting an application. Application forms are available at the Town Hall or online.

Your application must be accompanied by a survey plan and any other information that may be needed to assess your application.

### **APPLICATION FEE**

The application fee of \$325.00 is to be paid at the time of application, by cheque payable to "Town of Arnprior".

### **APPEAL**

There are no formal appeal procedures in the event that the Town does not approve your application.

TOWN OF ARNPRIOR  
**APPLICATION FOR REQUEST FOR ENCROACHMENT**

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*Fax No. (613)623-9960*

*E-mail: rsmith@arnprior.ca*

A pre-consultation meeting with the Town Planner is encouraged prior to submission of this application.

The submission of this application must be accompanied with supporting material and required fee in cash or by cheque made payable to the “**Town of Arnprior**”, in order to be considered a complete application. Incomplete applications will not be processed until all information is provided.

The owner of the land, or the applicant, should complete the following **Application Form** and submit along with the necessary documents to:

Attention: Robin Smith  
Community Development Branch  
Town of Arnprior  
105 Elgin Street West  
Arnprior, ON K7S 0A8  
Phone: (613) 623-4231 ext. 1827

**NOTE:** Personal information on the following forms is collected under the authority of the Planning Act and will be used by the Town of Arnprior Community Development Branch in the processing of applications for requesting an encroachment. The information may be used by other departments and agencies for the purpose of assessing the proposed development and for preparing comments to the Community Development Branch. This information may also be released to the public. Questions about the collection of this information should be directed to:

Robin Smith  
Community Development Branch  
Town of Arnprior  
105 Elgin Street West  
Arnprior, ON K7S 0A8  
Phone: (613) 623-4231 ext. 1827  
Fax: (613) 623-9960    Email: rsmith@arnprior.ca

**\*Applicants should review this application with the  
Community Development Branch before submitting\***

TOWN OF ARNPRIOR  
**APPLICATION FOR REQUEST FOR ENCROACHMENT**

\*PLEASE PRINT\*

File No. \_\_\_\_\_

GENERAL INFORMATION

**1. REGISTERED OWNER INFORMATION (Please indicate name(s) exactly as shown on the Transfer/Deed of land)**

Name(s): \_\_\_\_\_

Address: \_\_\_\_\_

Phone #: \_\_\_\_\_ Email: \_\_\_\_\_

**2. SOLICITOR INFORMATION**

Name(s): \_\_\_\_\_

Address: \_\_\_\_\_

Phone #: \_\_\_\_\_ Email: \_\_\_\_\_

**3. AUTHORIZED AGENT INFORMATION**

Name(s): \_\_\_\_\_

Address: \_\_\_\_\_

Phone #: \_\_\_\_\_ Email: \_\_\_\_\_

**4. DESCRIPTION OF THE SUBJECT LAND**

Street Address: \_\_\_\_\_

Municipality: \_\_\_\_\_ Geographic Twp: \_\_\_\_\_

Concession: \_\_\_\_\_ Lot: \_\_\_\_\_

Registered Plan No.: \_\_\_\_\_ Block or Lot No(s). In the Plan: \_\_\_\_\_

Reference Plan No.: \_\_\_\_\_ Part No(s): \_\_\_\_\_

**5. REASON FOR REQUEST**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**6. REQUIRED PLANS**

- Registered Legal Survey identifying the encroachments (if existing)
- Site Plan indicating structures and proposed encroachments

**INSURANCE REQUIREMENTS:**

1. (i.) For the life of the encroachment, the Applicant will at all times maintain and be financially responsible for:

- General Liability insurance for a limit of no less than \$2,000,000 (two million) per occurrence. Coverage shall include but not limited to bodily injury, property damage, contractual liability and contain a cross liability severability of insured clause.

- The Corporation of the Town of Arnprior is to be endorsed onto the policy as an additional insured.
  - The policy shall be considered primary and not excess of any insurance available to the Corporation of the Town of Arnprior and the Applicant is fully responsible for any applicable deductibles.
  - The policy shall also be endorsed to provide the Corporation of the Town of Arnprior with 30 days written notice of cancellation.
  - I/We within 10 business days of approval of the application, the Applicant shall promptly provide the Corporation of the Town of Arnprior with confirmation of insurance.
  - Should the encroachment be approved I/We shall provide to the Corporation of the Town of Arnprior promptly upon the placement, renewal, amendment, or extension of all or any part of the insurance, with confirmation of coverage and, if required, a certified true copy of the policy certified by an authorized representative of the insurer together with copies of any amending endorsements applicable to the encroachment.
- (ii.) The insurance requirements may increase or change from the basic requirements set out above (i.) at the outset of the encroachment or any time throughout the encroachment, at the discretion of the Town's Solicitor or designate.

**NO PERMIT WILL BE ISSUED BY ANY MUNICIPAL DEPARTMENT UNTIL SUCH TIME AS THE BY-LAW HAS BEEN ADOPTED AND ALL REQUIREMENTS LISTED ABOVE HAVE BEEN COMPLETED**

**NOTICE WITH RESPECT TO COLLECTION OF PERSONAL INFORMATION:**

Personal information collected on this application form is collected under the authority of the *Municipal Act, 2001* and will be used for the purpose of processing the application and for administrative purposes. Questions about the collection and use of this information in accordance with the Municipal Freedom of Information and Protection of Privacy Act may be made to the Town Clerk, 105 Elgin Street West, Arnprior, ON K7S 0A8 or by telephoning (613) 623-4231 ext. 1817.

**OWNER'S AUTHORIZATION & DECLARATION**

**11. AUTHORIZATION**

I/we hereby authorize \_\_\_\_\_ to act on my/our behalf in the matter of this application for an encroachment.

\_\_\_\_\_  
Signature of Owner

\_\_\_\_\_  
Signature of Owner

**12. DECLARATION**

**This declaration below must be signed in the presence of a Commissioner of Oaths for taking affidavits. This may be done when presenting your application at Town Hall.**

I, \_\_\_\_\_ of the \_\_\_\_\_ of \_\_\_\_\_  
in the \_\_\_\_\_ of \_\_\_\_\_, solemnly declare that all the  
statements contained in this application are true and I make this solemn declaration  
conscientiously believing it to be true and knowing that it is of the same force and effect as  
if made under oath and by virtue of the Canada Evidence Act. Further upon completion of  
all conveyances, I will so advise the Town of Arnprior.

I hereby further agree that I understand that I am fully respon

Declared before me at the \_\_\_\_\_ of \_\_\_\_\_, in the \_\_\_\_\_  
of \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 2 \_\_\_\_\_.

\_\_\_\_\_  
Signature of Applicant or Authorized Agent

\_\_\_\_\_  
A Commissioner, etc.

### **13. RELEASE, WAIVER AND INDEMNIFICATION**

**As the Owner or acting in the capacity of an Authorized Agent of the Owner if granted the Encroachment by the Corporation of the Town of Arnprior:**

**I HEREBY RELEASE, WAIVE AND FOREVER DISCHARGE the Town of Arnprior HEREINAFTER KNOWN AS THE RELEASEE, and its employees, agents, officers and members of council from all claims, demands, costs, expenses, in respect of death, injury, loss or damage to myself or my property resulting from the completion of this application and if granted, from the encroachment.**

**I further agree to indemnify THE RELEASEES for injury, death, property damage or any other loss sustained by THE RELEASEES resulting from the completion of this application and if granted, from the encroachment.**

**Should the encroachment be granted to the Applicant the RELEASE, WAIVER AND INDEMNIFICATION shall survive the application and the encroachment.**

**BY SIGNING this Application, I hereby acknowledge having read, understood, agreed to the above RELEASE, WAIVER AND INDEMNIFICATION and if applicable I have the authority to sign the RELEASE, WAIVER AND INDEMNIFICATION on behalf of my organization.**

\_\_\_\_\_  
Signature of Applicant or Authorized Agent

\_\_\_\_\_  
Date