
DATE: April 4, 2013

REPORT TITLE: **ENCROACHMENT AGREEMENT
REGIONAL ROAD 10 (BOVAIRD DRIVE)
OWNER: RIOTRIN PROPERTIES (BRAMPTON) INC.
- CITY OF BRAMPTON, WARD 7**

FROM: R. Kent Gillespie, Commissioner of Employee and Business Services
Dan Labrecque, Commissioner of Public Works

RECOMMENDATION

That the encroachments on Regional Road 10 (Bovaird Drive), being a decorative entrance feature and landscaping elements, be permitted in accordance with the terms and conditions in the Encroachment Agreement dated February 4, 2013 between The Regional Municipality of Peel and Riotrin Properties (Brampton) Inc.;

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

REPORT HIGHLIGHTS

- Regional Council approval is required to permit existing encroachments identified in an Encroachment Agreement between The Regional Municipality of Peel and Riotrin Properties (Brampton) Inc. to remain within the daylight triangle on the northwest corner of Bovaird Drive and Great Lakes Drive.

DISCUSSION

Background

Riotrin Properties (Brampton) Inc. is the owner of the property known municipally as 140 Great Lakes Drive in the City of Brampton. The owner's property is situated on the northwest corner of Regional Road 10 (Bovaird Drive) and Great Lakes Drive and is also known publicly as Trinity Commons Mall.

The existing decorative entrance feature and landscaping elements was constructed in 2000 and was erected in error outside of the owner's property line and within the daylight triangle area for Regional Road 10 (Bovaird Drive) and Great Lakes Drive intersection as shown on the attached Appendix I. The decorative entrance feature and landscaping elements was intended to remain in a permanent location and was constructed with poured concrete and was designed and sited as part of the overall landscaping plan approved for development. Relocating the sign would result in the need to remove some or all of the existing landscaping elements that currently surround the sign.

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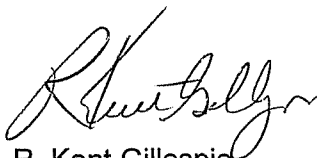
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The Region has received a signed Encroachment Agreement from Riotrin Properties (Brampton) Inc. The term of the Encroachment Agreement is for 20 years commencing on March 21, 2013 and terminating on March 20, 2033.

The Owner is responsible for all maintenance costs associated with the encroachments and the Agreement can be terminated by either party upon sixty (60) days written notice.

Public Works has no objections to the existing encroachments remaining at this location, but want the opportunity to revisit the encroachments in the future should any changes come about due to modification and/or revision of the structure, any roadway operational issues, or change of ownership.

The Encroachment Agreement contains stipulations that the Owner agrees that there shall not be any addition, vertically, horizontally or otherwise, to the Encroachment. In the event that the Encroachment is being added to or materially altered, it will be relocated within the Owner's Lands. The Encroachment Agreement further states that the rights conferred by the Encroachment Agreement shall not be assignable.




R. Kent Gillespie
Commissioner of Employee
and Business Services



Dan Labrecque
Commissioner of Public Works


Approved for Submission:






D. Szwarc, Chief Administrative Officer

For further information regarding this report, please contact Gayle Gorman at extension 7624 or via email at gayle.gorman@peelregion.ca.

Authored By: Ella Dolan

c. Legislative Services
 P. O'Connor, Regional Solicitor

 Damian Albanese, Director of Transportation
 Steve Hall, Director of Real Property Asset Management
 Gayle Gorman, Manager of Real Estate

APPENDIX I

April 4, 2013

ENCROACHMENT AGREEMENT
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