

ENCROACHMENT AGREEMENTS

PLANNING & DEVELOPMENT
KEEPING YOU INFORMED.



An Encroachment Agreement is a written agreement between a property owner and the Town of Whitecourt. It confirms that development that extends beyond the property line (such as a retaining wall or fence) has been reviewed and is authorized to remain.

If a development or landscaping feature encroaches on public property, it will not conform to the Land Use Bylaw. This will require removal or an Encroachment Agreement, and registration of the agreement at the Land Titles Office for the encroachment to remain.

Encroachment issues are usually identified when a Real Property Report (RPR) has been produced during a property review. The RPR may show features that extend beyond the property line onto public property.

If you are seeking approval for new development on your property, the encroachment application process must be completed first.

UTILITY SAFETY PARTNERS

Click before you dig www.utilitiesafety.ca.

Submit a locate request to ensure you don't come in contact with a dangerous underground utility.

FREQUENTLY ASKED QUESTIONS

Once the encroachment for my retaining wall is approved, I do not have to worry about anything, right?

There are responsibilities even with an approved encroachment. Property owners are liable for maintenance and repair costs. For instance, if your retaining wall is damaged during snow removal, it is the homeowner's responsibility to repair the damages or to remove the wall entirely if it is beyond repair.

Once the encroachment is approved, is it there for life?

No. The Town may require that it be moved with 30 days notice. If the development falls into a state of disrepair or needs to be replaced it must be brought into compliance at that time. Carefully check your property lines before beginning development to make sure you are within your boundaries to avoid an encroachment.

I just got a Real Property Report done and it shows that my fence encroaches onto Town property. What are my options?

The fence can be removed, or an application for an Encroachment Agreement can be made. There are fees associated with this process, including registration of the encroachment at Land Titles Office and legal fees. Keep in mind, application approval is not guaranteed when Town fees are paid.

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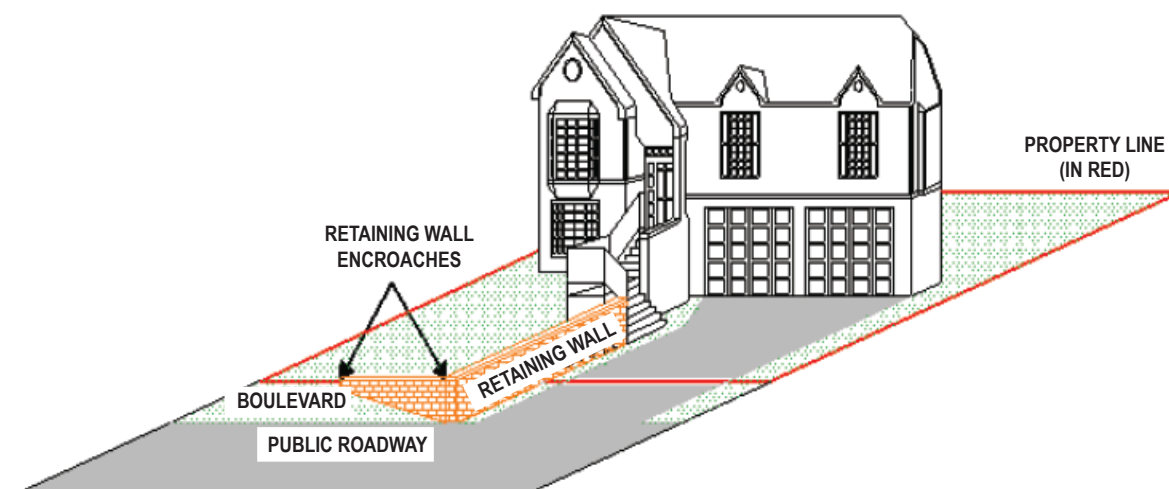
APPLYING FOR AN ENCROACHMENT AGREEMENT

Applying for an Encroachment Agreement takes approximately three months and requires the approval of the Municipal Planning Commission (MPC) and Whitecourt Town Council. The first step in the process is to talk to the Planning and Development Department, fill out the application form and pay the fees.

Once the Encroachment Agreement application has been completed, the Planning and Development Department will advertise the application and notify the neighbourhood. The application will then be forwarded to the MPC once advertising is complete.

If the application for the encroachment is approved by the MPC, area residents will be notified again and the decision will be advertised (with 21 days to appeal). If there are no appeals, the application is presented to Whitecourt Town Council. If Council approves the encroachment, the applicant must enter into an Encroachment Agreement with the Town of Whitecourt. The applicant is responsible for all costs associated with the process.

Once the Encroachment Agreement is accepted by the Town, it must be signed by all parties and the applicant must register the Encroachment Agreement at the Land Titles Office. The Town must be provided proof that the encroachment has been registered.



TOWN OF WHITECOURT - PLANNING & DEVELOPMENT DEPARTMENT

5004 52 Avenue, Box 509, Whitecourt Alberta T7S 1N6
Phone: 780.778.2273 Fax: 780.778.2062 Email: planning@whitecourt.ca

Monday to Friday 8:30 a.m. to 4:30 p.m. (Closed between 12:00 noon and 12:30 p.m.)