

Municipal Scan Right-of-Way Encroachments

City of Saskatoon, SK

- Fences & Vegetation - The City of Saskatoon uses general language within [Bylaw No. 7200, the Traffic Bylaw, 1991](#), related to materials on the street not being permitted. At present, the City of Saskatoon can issue an Order to Remedy Contravention (ORC) under the *Cities Act*; however, no appeal board has been designated within Bylaw No. 7200, the Traffic Bylaw, 1991, so this process is currently not used. Based on the generality of the related bylaw provisions, the City of Saskatoon would have difficulty in recouping costs for removal, with such costs being added to the tax roll due to the contravention not occurring on the parcel of land that is taxed. Cost recovery may be possible through a lawsuit, which would likely be cost prohibitive.

City of Calgary, AB

- Fences - The City of Calgary provides for encroachment agreements; however, unauthorized encroachments, such as illegal fences, are required to be removed at the cost of the property owner within a specified time frame. If compliance is not achieved, the City of Calgary may remove the encroachment and invoice the property owner. Enforcement is achieved through written notice or remedial order, which can be appealed. A fine can also be issued.
- Vegetation - General language related to material on streets is used, similar to the City of Saskatoon's bylaw. This is enforced through an Order process. If compliance is not achieved, the City of Calgary will remove the vegetation and the property owner is invoiced for the cost. An appeal option for the invoice is provided within 35 days from the date of the invoice. Tenants are not eligible to appeal. They do not use ticketing as an option.

City of Edmonton, AB

- Fences - The City of Edmonton also provides for encroachment agreements. Unauthorized encroachments are dealt with using very specific language related to fences on boulevards in their Traffic Bylaw. Enforcement is achieved through an Order process, which can be appealed.
- Vegetation – The City of Edmonton uses specific wording related to interference of hedges, trees and shrubs. A warning is provided with a compliance deadline. If compliance is not achieved, the City of Edmonton will remedy the issue and bill the property owner. A ticket can also be issued.

City of Regina, SK

- Fences - The City of Regina has been experiencing a similar situation to the City of Saskatoon, related to dealing with encroachments. In the interim, while they consider how to proceed, the City of Regina is using an ORC to address the encroachment under their Parks and Open Spaces Bylaw. If the Order is not complied with, the City of Regina will remove the encroachment. At present, due to limitations within this bylaw, restoration costs are absorbed by the City of Regina. They also do not have the ability to issue a fine in cases where it would be helpful to encourage the property owner to move the encroachment.
- Vegetation – The City of Regina utilizes a ‘no plant zone’, a zone within three metres of any property line to a street and five metres to an intersection. If trees, hedges or shrubs are planted within this area, an ORC is issued to deal with removal, changes in height, changes in width or addressing sight line issues. If compliance is not achieved, the City of Regina will complete the work and recover costs by applying the charges to the tax roll of the relevant property.

City of Moose Jaw, SK

- Fences & Vegetation - The City of Moose Jaw uses a Boulevard Bylaw to deal with illegal fences and encroaching vegetation which are not permitted under a boulevard treatment permit. Contraventions are addressed via an ORC process. If compliance is not achieved, the City of Moose Jaw completes the work at the owner’s cost, and it is added to the tax roll. The bylaw also provides the option for the City of Moose Jaw to fine the property owner.

City of Winnipeg, MB

- Fences & Vegetation - The City of Winnipeg uses their Streets Bylaw to prohibit the erection of a fence over a roadway or a sidewalk and to deal with encroaching vegetation. The City of Winnipeg can issue a fine to the property owner if compliance is not achieved. Prior to this, a notice of violation is issued, followed by an ORC with an appeal process. If the City of Winnipeg opts to remove the fence or vegetation, the costs are added to the property owner’s tax roll.

City of Swift Current, SK

- Fences & Vegetation - The City of Swift Current has enacted a fence bylaw that permits short fences and other similar structures, including hedges and shrubs on the boulevard. The City of Swift Current reserves the right to remove fences and vegetation, which are permitted under the bylaw, for any purpose and enforcement is undertaken through an ORC process. If compliance is not achieved, the City of Swift Current removes the structure at the owner’s expense, with the cost being added to the tax roll if remaining unpaid. A ticket is issued for illegal uses.