



COUNCIL POLICY C-456

Encroachment Policy

PREPARED BY: Municipal Land Management

COUNCIL APPROVAL DATE:

EFFECTIVE DATE:

REFERENCES: *Municipal Government Act*
 Land Management Policy
 Land Interest Directive
 Use of County Land Bylaw
 Land Titles Act
 Encroachment Procedure

PREVIOUS REVISION DATE:

FUNCTION: Municipal Land Management

LLS REVIEW DATE:

May 8, 2026

PURPOSE

This policy acknowledges and provides standards for managing private encroachments on Designated and Undesignated County Lands and Rights-of-Way.

POLICY STATEMENT

County Lands are for municipal services and public use. Parkland County acknowledges that certain private encroachments may limit access to these lands for the benefit of specific individuals or groups. Such encroachments may create ongoing maintenance obligations. To effectively manage these responsibilities, Parkland County may, at its sole discretion and through reasonable acts, address encroachments on County lands through various means such as Encroachment Agreements, Letters of Consent, Licenses of Occupation, Lot Line Adjustments, or Notice of Removal.

DEFINITIONS

The following definitions and interpretations apply in this Policy:

1. "Adjacent" sharing a common property boundary;
2. "Affected Area" is the area of County lands affected by an unauthorized encroachment and/or unauthorized use;
3. "County Lands" for this Policy, means all designated County land, undesignated County land, and registered Right-of-Way plans where Parkland County is listed on the Certificate of Title as the Property Owner or as the registered owner of a registered Right-of-Way plan, or where Parkland County has direction, control and management of the land;
4. "Designated County Lands" means County lands that are formally classified on their Certificate of Title for a specific use, purpose or protection, such as Municipal Reserve (MR), Environmental Reserve (ER), Conservation Reserve (CR), Park Reserve (PR), School Reserve (SR),

Municipal/School Reserve (MSR), Public Utility Lot (PUL) and general reserve lands undefined (R);

5. "Encroachment" anything placed, constructed, or erected below, on, or above the ground or attached to something placed, constructed, or erected below, on, or above the ground that extends on, over, or under County land;
6. "Encroachment Agreement" a binding agreement issued by Parkland County when legally permissible and at its sole discretion, that outlines liability, maintenance and responsibilities related to a structural encroachment into County lands and may be registerable at Alberta Land Titles;
7. "Letter of Consent" a conditional letter issued by Parkland County, at its sole discretion, as a means of authorizing encroachments;
8. "License of Occupation" a contractual agreement issued by Parkland County, at its sole discretion, as a means of authorizing encroachments;
9. "Lot Line Amendments" an amendment to an existing property line to include an area of encroachment;
10. "Major Encroachment" means an Encroachment from an adjacent parcel onto County lands by a linear distance greater than 1.5 metres;
11. "Minor Encroachment" means an encroachment from an adjacent parcel onto County lands by a linear distance less than or equal to 1.5 metres;
12. "Notice of Removal" is a written notice given to a Property Owner when an encroachment cannot be brought into compliance through an Encroachment Agreement, Letter of Consent, License of Occupation, or Lot Line Amendment. This notice requires the encroachment to be removed, and the lands remediated to a pre-encroachment condition, as deemed appropriate by the County;
13. "Property Owner" is the registered owner shown on a Certificate of Title under the Land Titles Act as an owner of a fee simple estate in land;
14. "Right-of-Way" means a Right-of-Way or Easement surveyed and registered according to the Land Titles Act; for municipal purposes, including but not limited to roads, drainage, and utilities;
15. "Undesignated County Land" means County Lands that are not formally classified on their Certificate of Title for a specific use and where Parkland County has direction, control and management of their use, also known as "freehold lands".

SCOPE

This Policy applies to all property owners and staff of Parkland County, and to all encroachments existing on County lands, whether authorized or unauthorized.

AUTHORITY & RESPONSIBILITY

1. Parkland County Council shall approve any amendments to, or any variations of, this Policy.
2. The Chief Administrative Officer (CAO) or delegate is authorized and responsible for the management of encroachments in accordance with this Policy, the *Municipal Government Act*, and related legislation.

STANDARDS

1. Property Owners are responsible for the placement of fences, structures, or other development within their property boundary, in accordance with Parkland County's Land Use Bylaw.
2. When an encroachment exists without the County's approval, the property owner shall be required to remove the encroachment at their own expense or obtain authorization from the County to rectify the encroachment.
3. The Property Owner shall be responsible for all expenses, costs, liabilities, or other risks associated with the encroachment, including its authorization and or removal and remediation.
4. The County has sole and absolute discretion to determine whether to authorize an encroachment.
5. The County may consider the following methods to address Encroachments on County lands:
 - (1) Encroachment Agreement
 - (2) Letter of Consent
 - (3) License of Occupation
 - (4) Lot Line Amendment
 - (5) Notice of Removal
6. An Encroachment Agreement may be granted when the encroachment is within a road Right-of-Way and there is no record of complaint nor any negative impact to County operations or public use.
7. A Letter of Consent may be granted for minor encroachments where there is no record of complaint nor any negative impact to County operations or public use.
8. A License of Occupation or Lot Line Amendment shall not be granted when the encroachment negatively impacts a Right-of-Way.
9. Lot line Amendments shall only be considered when the encroachment is a major encroachment, and the impact of the encroachment does not negatively impact a Right-of-Way or County lands designated as ER.
10. All encroachments without an existing Encroachment Agreements, License of Occupation, or Letter of Consent shall be dealt with according to Parkland County's Use of County Land Bylaw

2023-15 and this Policy. There shall be no grandfathered encroachments, regardless of the length of time the encroachment has existed.

ENACTMENT

This policy shall supersede and rescind policy C-PD02 Encroachment Policy and shall apply to all encroachments as of the effective date of this Policy.

PROPOSED