



THE CORPORATION OF THE CITY OF BRAMPTON

# BY-LAW

**Number** 83-2000

To authorize the entering into of an agreement permitting the encroachment of a retaining wall on City property

**WHEREAS** The Corporation of the City of Brampton (the "City") is the owner of the lands and premises forming part of the road allowance for McLaughlin Road described as Part of Lot 2, Concession 1 West of Hurontario Street, City of Brampton, Regional Municipality of Peel, designated as Part 1 on Plan 43R-22144 (the "City Lands"), and Peel Condominium Corporation No. 565 ("PCC 565") is the owner of the lands and premises immediately adjacent thereto located at 8305 McLaughlin Road, Brampton, Ontario (the "PCC 565 Lands");

**AND WHEREAS** in order to retain earth and existing spruce trees located on the PCC 565 Lands along the side facing McLaughlin Road, PCC 565 constructed a pre-cast concrete retaining wall (the "Wall") located entirely on the City Lands instead of on the PCC 565 Lands without permission from the City;

**AND WHEREAS** the City has agreed to permit the encroachment and retention of the Wall on the City Lands subject to, among other things, PCC 565 entering into an encroachment agreement with the City in respect of the Wall;

**AND WHEREAS** pursuant to paragraph 3 of section 308 of the *Municipal Act* the Council of the City may pass by-laws permitting persons to construct and maintain objects in, on, under or over sidewalks and highways under its jurisdiction;

**NOW THEREFORE** the Council of The Corporation of the City of Brampton **ENACTS AS FOLLOWS:**

1. The encroachment of the Wall on the City Lands is hereby permitted.
2. It shall be a condition of permitting the encroachment that PCC 565 enter into an encroachment agreement with the City in a form approved by the City Solicitor.
3. The Mayor and Clerk are hereby authorized to execute the encroachment agreement.

**READ a FIRST, SECOND and THIRD TIME and PASSED** in Open Council this 8<sup>th</sup> day of May, 2000.

Approved as to content and form
26/04/2000
<i>[Signature]</i>

*[Signature: Peter Robertson]*  
 PETER ROBERTSON      MAYOR

*[Signature: Leonard J. Mikulich]*  
 LEONARD J. MIKULICH      CLERK