



Subject: *Encroachment Fees - Update to Municipal Fee Policy*
To: Corporate & Residential Services Committee
Date Prepared: July 6, 2026
Related Motions: C26(86)
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Approved by: Kim Ramsay, CAO

Summary

In March 2026, Council gave second reading to Bylaw A-300, Encroachment on Municipal Real Property Bylaw. The Bylaw permits the Municipality to recover all expenses incurred in the enforcement of the Bylaw, including setting fees for administering the Bylaw. Fees are set and amended by Council in the *Municipal Fee Policy*.

Financial Impact Statement

As discussed previously, the fees proposed for encroachments on municipal property are not intended to achieve full cost recovery of staff time and expenses associated with ongoing encroachment program administration at this time. Council retains the right to waive encroachment fees as part of exceptional circumstances or a specific project.

Recommendation

Staff recommend amending the *Municipal Fee Policy* per recommended fees in this report.

Recommended Motion

Regular Meeting of Council (Policy & In Camera) - July 23, 2026

Move that Council give notice of intent to add Encroachment Fees to the Municipal Fee Policy as attached to the Regular Meeting of Council (Policy & In-Camera) Agenda dated July 23, 2026.

Regular Meeting of Council - July 29, 2026

Move that that Council approve the updates to the Municipal Fee Policy as attached to the Regular Meeting of Council (Policy & In-Camera) Agenda dated July 23, 2026.

Background

In February 2026 during the first reading of Bylaw A-300, staff provided a jurisdictional scan of similar Municipal and Provincial fees and proposed the following fee structure:

- **Encroachment License Application Fee:** No fee. The administrative cost of processing Encroachment License Applications is anticipated to be absorbed into regular staff operations. If significant administrative burden is observed, staff will return to Council to propose an adjustment to the Bylaw/*Municipal Fee Policy* to enact a reasonable application fee.
- **Encroachment License Agreement Fee:** An Admin Fee of \$300 (HST included) shall be provided by the Encroaching Property Owner at time of signed Encroachment License.

Where the Agreement benefits the property owner, the \$300 Encroachment License Agreement Admin Fee is intended to cover costs associated with Land Registration, courier and other related transactional expenses, with any balance of funds to help offset administration costs.

Where applicable, Encroachment License Agreements may require the Encroaching Property Owner, at their sole expense, to obtain and provide any surveying or legal information necessary to support the agreement process.

Encroaching Property Owners would also be responsible for any other additional costs arising under Bylaw A-300, in particular recovery of eligible expenses associated with enforcement and non-compliance.

For clarity, Bylaw A-300 Section 16.2. permits Council to waive encroachment fees as part of exceptional circumstances or a specific project (such as the DAR Corridor).

Discussion

The proposed amendments to the *Municipal Fee Policy* are attached to this report for Committee and Council consideration.

STRATEGIC ALIGNMENT

The adoption of the proposed Bylaw supports East Hants' key strategies of Sustainable Infrastructure and Corporate Excellence.

LEGISLATIVE AUTHORITY

Council sets and amends fees in the Municipal Fee Policy.

Bylaw A-300 permits Council to, in exceptional circumstances or as part of a specific project or Municipal Real Property, waive payment of all or part of the encroachment fees.

FINANCIAL CONSIDERATIONS

Please see the Financial Impact Statement.

Alternatives

Encroachment License Application Alternative Fee Option

- Charge a non-refundable fee at time of submission of an Encroachment License Application.

Encroachment Agreement Alternative Fee Options

- Charge no Admin Fee for Encroachment Agreements; absorbing administrative costs in Municipal operations. Staff recommend any required surveying costs should remain the responsibility of the applicant.
- In addition to the Admin Fee, charge fee based on the area of the encroachment (per square foot). This fee could be a one-time fee (similar to building permit model) or an annual fee (similar to approaches used in other jurisdictions).
 - o Jurisdictional scan suggests the average annual fee per square foot is in the range of \$0.10/square foot, with a minimum annual fee of \$10.00.
- Direct staff to return with different fee schedules per land use (residential, commercial) or a model based on encroaching property owners assessed value.

Attachments

Draft Municipal Fee Policy - With Markup

Draft Municipal Fee Policy - Without Markup