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Council-In-Committee Meeting – June 12, 2025

Subject: 1235 North Road, Langton – Encroachment Application
Report Number: CS-25-064
Division: Corporate Services
Department: Realty Services
Ward: Ward 2
Purpose: For Decision

Recommendation(s):

That Report CS 25-064 regarding 1235 North Road, Langton-Encroachment Application be received as information;

And That the Corporation of Norfolk County enter into an Encroachment Agreement with Nathan Leslie James Cashman and Melanie Marie Kleebaum, being the current property owners of 1235 North Road, Langton, to recognize the encroachments onto North Road, Langton;

And That the necessary by-law authorizing the Mayor and Clerk to execute the said Encroachment Agreement be presented to Council for adoption;

And Further That the property owners pay all costs associated with this Encroachment Application including the registration on title of the Encroachment Agreement.

Executive Summary:

The purpose of the report is to seek Council's direction regarding an application for an Encroachment Agreement received from Nathan Leslie James Cashman and Melanie Marie Kleebaum (hereinafter referred to as "the Applicants").

Discussions:

The Applicants recently became the owners of the property municipally known as 1235 North Road, Langton and legally described as Part Lot 14, Concession W/S North Road, Houghton Part Road Allowance between Lots 13 and 14, Houghton (Closed By NR467922) Parts 1 & 2 on 37R-4877; Norfolk County. Through the Applicants' recent purchase, it was discovered by their solicitor that a previous Encroachment Agreement registered on title (NR467599 attached) had expired and it was also discovered that not all of the encroachments were indicated in the previous Encroachment Agreement NR467599 (as shown on the previous Plan 37R-4877 attached). Therefore, the

Applicants, through their solicitors, submitted an application requesting that the County enter into a new Encroachment Agreement to formally recognize that the patio, concrete steps and roof overhang all encroach onto the municipally owned road allowance, being North Road, Langton. Such encroachments are outlined in green on the attached new draft Reference Plan. The Applicants advise that these encroachments have been in their existing location since approximately 1920, being over 100 years.

Upon receipt of the application and required fee, staff subsequently evaluated this application based on the General Guidelines outlined in Policy CAO-13: Encroachments upon Municipal Property and determined that this was a major encroachment.

Should Council approve staff's recommendations, an Encroachment Agreement will be registered on the Applicants' title, as well as the affected portion of North Road, Langton, to protect the future interests of the County and to provide notice to any future owners of the property. Realty will work with the Applicants to complete this process and will ensure it is completed in accordance with the above policy.

The Applicants will be required to maintain property/liability insurance as per the Encroachment Policy for the duration of the encroachment. The Applicants will also provide proof of this insurance at each annual renewal.

The Applicants are aware that all costs associated with this Encroachment Application, including the preparation/registration of a Reference Plan, entering into an Encroachment Agreement and registration on title of the Encroachment Agreement, will all be at the Applicants' expense.

Financial Services Comments:

The Applicants are required to pay all costs associated with the transaction including the application fees and the costs of the registration of the Encroachment Agreement in accordance with the policy established by Norfolk County. Therefore, there are no expected financial implications for Norfolk County.

Interdepartmental Implications:

Realty Services will work together with Clerks to complete the final stages of preparing/registering the Encroachment Agreement on title if approved by Council.

Consultation(s):

Staff in the following departments were consulted for the encroachment application: Clerks, Planning, Roads, Risk Management, Building, By-law, Enforcement, Accessibility, and Engineering. The following comments were received:

Building

Single Detached Dwelling structure has existed since 1920.

ByLaw

Recommend approval – historic encroachment

Engineering

Encroachment Agreement must contain a clause if house is ever removed for any reason, to rebuild it will need to follow current Norfolk County Planning and Building requirements for setbacks and such.

No concerns were raised by any other internal departments.

Strategic Plan Linkage:

This report aligns with the 2022 - 2026 Council Strategic Priority “Empowering Norfolk”, putting the tools and resources in place to ensure our businesses’ and residents’ success.

Explanation: To develop strategies that support our changing needs and encourage innovation in Norfolk. The encroachment review process allows staff the opportunity to consider if encroachments pose a potential risk to public safety and the common good. Likewise, an Encroachment Agreement permits applicants the freedom to continue to use their property as desired and to utilize the physical structures which abut municipal lands. The encroachment review process is a streamlined process with line of sight to a commonsense approach and an improved client experience.

Conclusion:

Should Council approve staff’s recommendation, the Applicants will be able to maintain the current structures on their property which have existed for a significant period of time while at the same time protecting Norfolk County from litigious risk by indemnifying the County from accidents which may occur on the encroached area.

Attachment(s):

NR467599 (expired Encroachment Agreement)
Reference Plan 37R-4877
New draft Reference Plan

Approval:

Approved By:

Al Meneses, Chief Administrative Officer

Reviewed By:

Heidy VanDyk, General Manager, Corporate Services

Prepared By:

Karen Lambrecht, Realty Services Specialist, Corporate Services