



A letter of comfort is an agreement between the City and a property owner who owns lands adjacent to municipal property and whose structure(s) (or other item) encroaches onto municipal land. Letters of comfort are registered on title against the subject property and the encroachment will be allowed to remain so long as the City of Kenora does not require the said lands to carry out any purpose or function. It is the policy of the Corporation of the City of Kenora that there shall be no unauthorized encroachments onto municipal property or road allowances.

All decisions on letter of comfort applications are made by City Staff and are final. Each letter of comfort application will be evaluated on its own merit on a case-by-case basis.

General Overview and Guidelines	
Pre-Consultation:	<p>The City of Kenora recommends that applicant(s) attend a pre-consultation meeting with the Planning Department prior to formally submitting this application. Please ensure that you call ahead to arrange an appointment with Planning Staff at least one week prior to your preferred meeting date.</p> <p>For further information, or to make an appointment, please contact the Planning Administrator - Tel: (807) 467-2059 or trickaby@kenora.ca .</p>
Proof of Ownership:	<p>Proof of ownership (deed) or assessment roll number (tax bill) shall accompany each application.</p>
Fee:	<p>The application fee for a letter of comfort is \$175.00. Please make cheques payable to the Corporation of the City of Kenora. Payments may be made by cash or cheque only, or by debit/credit if paid at City Hall.</p>
Application:	<p>The City of Kenora requires (1) original of the application along with any required supporting documents/report(s), together with the prescribed application fee or receipt for payment in order for the application to be deemed complete and be processed. All required information must also be provided electronically.</p> <p>This form sets out the information that will assist the City of Kenora in its evaluation of the application. Please answer all questions in full detail.</p> <p>Applications must be filled out in blue or black ink only. Applications completed in pencil or other colours of ink will not be accepted. If submitting photocopies of your application, the original copy must also be filed.</p> <p>Applications shall be signed by the owners(s) or agent in the presence of a Commissioner of Oaths. The City Clerk is a Commissioner. Where an agent or solicitor is authorized to make the application on behalf of the owners(s), their signature shall be witnessed.</p> <p>Letter of Comfort Agreements are not transferable by a property owner unless written consent from the City of Kenora is given.</p> <p>New residential encroachments shall not be permitted. New commercial encroachments may be permitted at the discretion of staff or Council.</p> <p>No changes, alterations or improvements shall be made to the encroachment without prior approval from the City of Kenora.</p> <p>The term for letter of comfort agreements shall be for a period of time equal to or shorter of; as long as the occupant owns the adjoining lands, until the encroachment is removed, or until such as time that the City of Kenora at its discretion, requires the lands.</p>



All applications will be circulated for review and comment to various City Departments (such as Planning, Operations; Roads, Sewer and Water Departments, etc.

Sketch: Applications and plans will be accepted in Metric only (1 foot = 0.3048 metres, 1 acre = 0.4046 hectares). The maximum size for the accompanying sketch/site plan shall be 11"x 17". If there is information provided on larger sizes, at least one copy shall be provided on the 11"x 17" format. Elevation drawings shall also be provided if applicable.

Photos: Photographs of the encroachment are encouraged.

Survey: A survey, certified by an Ontario Land Surveyor (OLS) must be submitted as part of each application.

Authorization: Should an agent or solicitor represent the applicant(s), written authorization from the applicant(s) must accompany the application.

Signing Authority: Letter of Comfort agreements are signed by the Planning Administrator or Manager of Planning/Building or the Operations Manager.

Insurance Requirement: All applicants must provide an insurance certificate agreement that indemnifies and saves harmless the City of Kenora from all loss, costs, charges, damages, expenses, claims and demands whatsoever to which the Corporation, may be put or which it may suffer or sustain or for which it may be liable by reason of anything done or omitted to be done in the construction, maintenance, alteration or operation of structure(s) consisting the encroachment. Please contact your insurance provider to discuss the insurance certificate.

Frequently Asked Questions (FAQ):

Do I get my application fee refunded if my application is refused?

No. Other fees that may be incurred by the owner include but are not limited to:

- Title search costs
- The cost of a reference plan to be prepared and deposited on title by an Ontario Land Surveyor (OLS)
- Conveyancer and/or other legal fees
- Any additional fees or costs that the City of Kenora may incur relating to the processing of the application or the issued letter

Can I appeal the decision if my application is rejected? No. Staff decisions are final for Letter of Comfort applications.

How long does the application process take?

The Planning Department will circulate all applications internally after consulting with the applicant. Decisions are typically rendered within two weeks of the application being deemed complete.

When might a Letter of Comfort be required?

A letter of comfort is required when a privately-owned structure or item is located partially on municipal property. The City of Kenora, in some scenarios may grant a letter of comfort, if the encroachment is deemed minor or non-intrusive, or if the lands are not required for municipal purposes.

When will a letter of comfort not be granted?

The City of Kenora generally will not grant approval for the following encroachments:

- An encroachment that poses a danger to the public or is detrimental to the natural environment.
- Encroachments onto a right-of-way.
- When construction had commenced prior to the issuance of a building permit from the City.
- Additions to existing buildings that would encroach onto municipal property or road allowances.
- Encroachments onto registered municipal easements.
- New encroachments onto park property.
- The encroachment is deemed to interference with existing or future potential planned municipal infrastructure or improvements

The following are examples of encroachments. Please note that encroachments are not limited to these examples:



1. Structures or Buildings

Existing buildings or structures that were inadvertently and partially erected over municipal property or a road allowance, and cannot be easily removed or relocated. These types of encroachments include existing buildings or residential structures, signs, retaining walls, garages etc.

2. Fences or Walls

The City may allow an existing fence or wall to encroach onto municipal property under certain circumstances.

3. Tree(s) & Landscape Features

A letter of comfort is not required for tree(s). Please contact the City of Kenora’s Parks Supervisor prior to planting trees on municipal property. Encroachments such as clotheslines, flagpoles, mailboxes or other similar items should not be located on municipal property and must be removed by the owner and no letter of comfort will be granted. Features such as hedges or shrubbery that encroach onto municipal property shall not require a letter of comfort unless the feature is used to determine a boundary.

What could affect the outcome of my application? Comments from one or more departments or external agencies.

- What departments and agencies are circulated?
 - Roads Department
 - Operations
 - Planning Department
 - Engineering
 - Sewer & Water Department
 - Fire & Emergency Services
 - Building Department
 - Parks Department
 - Kenora Hydro (if applicable)
 - Others as determined by the City of Kenora

THIS APPLICATION MUST BE SUBMITTED TO:

Tara Rickaby, Planning Administrator, AMCT, ACST
60 Fourteenth Street North, 2nd Floor
Operations Centre - Kenora, ON P9N 4M9

Telephone: 807-467-2059
Email: trickaby@kenora.ca

Personal information contained on this form is collected pursuant to the Municipal Act, and will be used for the purpose of processing and approval of this application and associated applications. Questions about this collection should be directed to: Freedom of Information and Privacy Coordinator, City of Kenora, One Main Street South, Kenora, ON P9N 3X7 - (807) 467-2027.



OFFICE USE ONLY

Date Stamp - Date Received: _____	File Number: _____ Roll Number: _____ Date Received: _____ Application Fee Paid: _____
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REQUIREMENTS/CHECKLIST FOR A COMPLETE APPLICATION:

Note: If the information below is not received the application cannot be deemed complete.

	1 original of the completed application form
	1 copy of any existing letter of comfort/surveys etc.
	Survey as per the requirements outline in this form
	The required application fee as per the tariff of fees By-law
	Authorization
	Insurance Certificate Requirement
	Proof of Ownership

1.0 – Applicant and property information

SUBJECT PROPERTY INFORMATION

Civic Address	Street No.:	Street Name:	Postal Code:	Unit Num.:
Registered Plan Number	KR or M-			
Legal Description				
Tax Roll Number	6016			

OWNER/APPLICANT INFORMATION

Check Appropriate Box:	<input type="checkbox"/> Person(s)	<input type="checkbox"/> Company		
Registered Land Owner	Surname:	First Name:		
Mailing Address	Street No.:	Street Name:	Postal Code:	Unit Num.:
City			Province:	
Contact Information	Phone:	Fax:		
Email				
Acquisition Date of Subject Land				

AGENT/SOLICITOR INFORMATION

Company or Firm Name				
Name	Surname:	First Name:		
Mailing Address	Street No.:	Street Name:	Postal Code:	Unit Num.:
City			Province:	
Contact Information	Phone:	Fax:		
Email				

MORTGAGES, ENCUMBRANCES, HOLDERS OF CHARGES ETC. OF SUBJECT LAND

Company				
Contact Person	Surname:	First Name:		
Mailing Address	Street No.:	Street Name:	Postal Code:	Unit Num.:
Contact Information	Phone:	Fax:		
Email				

2.0 – Easements

Are there any easements or restrictive covenants affecting the subjected land?

No Yes If Yes, describe the easement or covenant and its effect.

3.0 – Nature of Encroachment

Describe the nature and extent of the encroachment(s):

Please check appropriate box(s). Types of encroachments include but not limited to:

Permanent Building or Structure Fence, Wall or Retaining Wall Landscape Feature
 Parking on Road Allowance Projection Other (please specify): _____

Can the encroachment be removed or relocated? Yes No

Dimensions of Encroachment:

Width of Encroachment _____ Depth of Encroachment _____

This structure encroaches into a:

- Road allowance (Please indicate name of road/street) _____
 Municipal property
 Shore allowance (Please name body of water) _____

4.0 – Reason(s)

Describe the length of time the encroachment has existed and the reason(s) that the encroachment cannot be removed:

5.0 – Additional Information

Please provide any additional information that you feel would be beneficial to the application:

6.0 Directions to property

Please provide directions to the subject property:

5.0 – Sketch and Survey

Sketch Plan **Certified by an Ontario Land Surveyor (OLS)**

A sketch is required showing the following:

- The boundaries and dimensions of the Subject Lands
- The location of all existing buildings and structures on the Subject Land, indicating the encroachments onto Municipal Property
- The location of the subject lands and encroachment in relation to adjacent properties
- The boundaries and dimensions of any encroaching items
- The location, width and name of any roads within or abutting the Subject Land indicating whether it is an unopened road allowance, a public traveled road, a private road or a right of way
- Indicate North with an arrow on the sketch the location and nature of any easement affecting the subject land.
- All necessary information must be contained on one single sketch or site plan.

7.0 – Sworn Declaration or Affidavit

I, _____ of the _____ in the Province of Ontario
_____, make oath and say (or solemnly declare) that the information contained in this application is true and that I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of the Canada Evidence Act.

Sworn (or declared) before me at the _____ in
the _____ this ____ day of _____ in the year _____.

Commissioner of Oaths

Applicants(s)



