



Corporation of the
Township of Tay

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GUIDELINES REGARDING TRAIL ENCROACHMENTS

The Tay Shore Trail is a municipal park, and therefore any changes to the property are determined by and the responsibility of the Township. Abutting property owners may not cut grass, trim trees, remove or plant bushes or shrubs, place stones or stone screenings, filter cloth or any other material on the trail property, as alterations may give the appearance of private ownership of the unpaved portions of the Tay Shore Trail.

The width of the trail varies from 120 to 66 feet in width, and therefore property owners must consult their property survey to determine their property boundary.

The Tay Shore Trail is a limited access trail for safety reasons.

Encroachments:

Encroachments that were permitted through an agreement with the former CN in the Waubaushene area will be given special consideration. All other encroachments or alterations on the Tay shore Trail property are to be removed and the property allowed to return to its natural state.

Plantings:

The Township will consider requests for plantings on the Tay Shore Trail property, by private individuals, in order to enhance personal privacy. These requests must consider the following:

- Native species must be used, and placed in such a way as to give a natural appearance. A list of approved species is available from the Planning Department at the Township office.
- The plantings must be placed in such a way that they do not present a boundary or give the appearance that there is a private use or a restriction on access to municipal portion of the trail (paved or natural).

A planting plan must be submitted to the Public Works Department and approved prior to any work being undertaken.

Waubaushene Encroachments:

Existing encroachments are allowed in the Waubaushene area where property owners own land on both sides of the trail. Generally, these encroachments include existing pathways, culverts, sheds and docks. Depending on their proximity to the paved portion of the Tay Shore Trail, encroachments may need to be modified for safety reasons or site specific encroachment agreements may need to be entered into.

1. It is preferred that existing stairs and handrails be removed and replaced by pathways that run parallel to the trail to provide a gradual decline.
2. Property owners in this area that choose to retain stairs and handrails must contact the Road/Parks Superintendent in order to determine the changes that must be made to incorporate safety features for users of the trail. Existing stairs and handrails must be either replaced by pathways or be modified by September 30, 2009.

3. All property owners retaining stairs and handrails on trail property must enter into an encroachment agreement with the municipality. Property owners will be responsible for a \$250.00 application fee, survey costs and legal fees (estimated cost \$1,650.00). An encroachment agreement will require the property owner to provide liability insurance in the amount of \$2,000,000. naming the Township as insured. Application and fee to be received no later than September 20, 2009.
4. Small bridges over drainage areas must be replaced by culverts with screenings. The maximum width of the pathway is 3m. The culvert size should be 300 mm in diameter (12 inch).
5. Private gardens must be removed by October 15, 2009.
6. Garages and sheds that were in existence on January 1, 2008 that are on the trail property can be maintained but cannot be replaced.

Process:

1. The Parks seasonal employee is responsible for the maintenance of the trail and shall place a fluorescent sticker on a new encroachment (identifying that the encroachment is on Township property, and must be removed)
2. The encroachment must be reported to the Public Works Superintendent, who will advise the By-law Enforcement Officer. In cases where the property owner is in the process of building an item, the By-law Officer should attend the property to advise to cease.
3. If the encroachment presents a safety concern, the Public Works Superintendent will report to the location, and will determine the best course of action.
4. The By-law Enforcement Officer will forward correspondence to the property owner, indicating a timeframe of 10 days for removal.
5. After 10 days, the By-law Enforcement officer will prepare a work order to remove the encroachment.