



REPORT TO COUNCIL

To: **Mayor and Councillors**

Subject: Easement and Covenant for Encroachment into
the Fraser Highway Road Allowance

File #: 5240.01

Doc #: 205882

From: Rachel Ollenberger
Manager of Engineering Services

Date: February 9, 2026

RECOMMENDATION:

THAT the City enter into an easement agreement with Whitetail Homes, the developer of 20769 Fraser Highway to recognize the partial encroachment of a building into the Fraser Highway road allowance, and

THAT the Corporate Officer and the Director of Engineering, Parks and Environment be authorized to sign a Section 219 Restrictive Covenant in regard to the encroachment.

PURPOSE:

The purpose of the report is to seek Council's approval for the City to enter into an easement agreement with Whitetail Homes over a short section of the Fraser Highway road allowance and seek authority to enter into a Section 219 Restrictive Covenant to accommodate the minor encroachment of a newly constructed apartment building located at 20769 Fraser Highway.

LEGISLATION:

Under section 35(11) of the Community Charter, a City may grant an easement or permit an encroachment into a highway that is vested in the municipality. The permission to grant the easement is facilitated through a Council resolution.

COMMENTS:

Whitetail Homes, the developer of an apartment building located at 20769 Fraser Highway, advised the City in early October 2025 that a small portion of their building's façade encroaches into the City's road allowance. The foundational work to support an apartment is constructed early in the project and this encroachment was not brought to the City's attention until the project was substantially completed making it unfeasible to correct the encroachment.

The façade encroachment varies from 0.16 m to 0.14 m along approximately two-thirds of the building's frontage on Fraser Highway and a 0.17 m encroachment at the building's northeast corner as shown in Schedule A, attached. The only portion of the building encroaching into the road allowance is the first floor's brick façade. The total area of encroachment is 5.1 sq.m.

This encroachment does not impede the City's ability to operate and maintain this road allowance and will not impact any future infrastructure works. A Section 219 Restrictive Covenant will be registered on title which advises the Strata of the encroachment. In the event that any future significant structural work is required in the area of encroachment, the City retains the right to require the removal of the encroachment if it is feasible. The easement and covenant would stay in place for the life of the building.

BUDGET IMPLICATIONS:

The developer is responsible for all legal costs associated with the registration of the covenant and easement.

ALTERNATIVES:

If the City does not resolve to permit the encroachment the developer would be required to remove it which essentially would require the building be significantly modified to ensure the structure would be fully on private property. This would be an extremely costly endeavour and also delay the occupancy of the building, impacting a high number of residents.

Respectfully Submitted,



Rachel Ollenberger
Manager of Engineering Services

Concurrence:



David Pollock P.Eng.
Director of Engineering, Parks and Environment

Attachment:

1. Schedule A – Sketch Plan showing Locations of Encroachment

CHIEF ADMINISTRATIVE OFFICER'S COMMENTS:

I support the recommendation.



Francis Cheung, P.Eng.
Chief Administrative Officer