



## Council Report

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<b>Report Number:</b>	RS2023-036
<b>Meeting Date:</b>	August 29, 2023
<b>Title:</b>	<b>Request for Encroachment Agreement for a Sign at Ski Hill Road and Bethany Hills Road</b>
<b>Description:</b>	Request for Encroachment Agreement for a Sign at Ski Hill Road and Bethany Hills Road
<b>Author and Title:</b>	Lucas Almeida, Law Clerk – Realty Services

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### Recommendations:

**That** Report RS2023-035, Encroachment Agreement for a Sign at Ski Hill Road and Bethany Hills Road, be received; and

**That** Council deny the request for an encroachment agreement for a sign located on Ski Hill Road, Bethany.

**Department Head:** \_\_\_\_\_

**Financial/Legal/HR/Other:** \_\_\_\_\_

**Chief Administrative Officer:** \_\_\_\_\_

## **Background:**

The Baha'i Centre of Learning applied for an encroachment license agreement for a sign on the road allowance at the intersection of Ski Hill Road and Bethany Hills Road. This application was reviewed by the Land Management Team at their meeting January 9<sup>th</sup>, 2023. The Team rejected the application due to the preference that no non-traffic signs be permitted on City of Kawartha Lakes ("City") road allowances. This was consistent with other LMT decisions on similar requests.

At the Committee of the Whole meeting on May 9<sup>th</sup>, 2023, Helen Yazdani made a deputation, in which they provided an overview of the Bethany Baha'i Centre of Learning and their request. They informed council that the proposed sign would replace an existing sign that has been located at the intersection of Ski Hill Road and Bethany Hills Road for approximately fifteen (15) years.

Following this deputation, Council passed the following resolution:

### **CW2023-137**

**Moved By** Deputy Mayor Richardson

**Seconded By** Councillor Smeaton

**That** the deputation of Helen Yazdani and Edward Dejong, of The Bethany Baha'i Centre of Learning, **regarding a Request for an Encroachment Agreement for a Sign at Ski Hill Road and Bethany Hills Road, Bethany**, be received; and

**That** this recommendation be brought forward to Council for consideration at the next Regular Council Meeting.

At the Regular Council Meeting on May 23<sup>rd</sup>, 2023, Council passed the following resolution:

### **CR2023-262**

**Moved By** Deputy Mayor Richardson

**Seconded By** Councillor McDonald

**That** the deputation of Helen Yazdani and Edward Dejong, of The Bethany Baha'i Centre of Learning, regarding a Request for an Encroachment Agreement for a Sign at Ski Hill Road and Bethany Hills Road, Bethany, be received; and

**That** Staff report back to Council by the end of Q3 regarding the request for an Encroachment Agreement and include the options that are available to grant the request.

The purpose of this report is to bring this item back to Council's attention and provide staff's recommendation regarding this issue.

### **Rationale:**

Denying the request for a non-traffic sign on a road allowance is recommended by Staff due to concerns regarding road safety and precedent. The Land Management Team consistently prioritizes the safety of motorists and pedestrians in their decisions, and it is recommended that Council supports this approach.

Allowing the placement of private signs on a public road allowance creates potential strike hazards and distractions for drivers. Signage that is not required by the Ontario Traffic Manual can confuse or divert drivers' attention away from critical road information, leading to an increased risk of accidents. It is important to uphold uniformity and adherence to recognized traffic signage standards to ensure the safety of all road users.

Furthermore, the existing sign that has been present on the City road allowance for several years does not serve as a valid argument in favor of approving a license agreement. While the existing un-approved encroachment may have been overlooked for enforcement purposes in the past (as a contravention of the Encroachment By-law), this does not imply that it is safe or appropriate. In the interest of road safety and to resolve the matter, the applicant could be redirected to negotiate with the adjacent private property owners to place the sign on private property where it can be maintained and controlled by the owner without posing a risk to public safety.

Contrary to the deputation's claim that there are no traffic signs in the area, the provided picture in Appendix B clearly shows a traffic "No Exit" sign adjacent to the existing encroachment. The presence of this traffic sign highlights the significance of adhering to official traffic signage protocols rather than allowing unauthorized signs that may confuse or contradict established road regulations.

Granting the request for a private sign on the road allowance will contribute to distraction of drivers and set precedent for other private signage that is not recommended by Staff. Approval may not only compromise road safety but will also create an undesired/unfair precedent. Previous applicants with similar requests were rightfully denied, and it would be inequitable to reward a long-standing encroachment on City property. Consistency in decision-making is important to ensure fairness and maintain the integrity of the approval process.

### **Other Alternatives Considered:**

Council could choose to direct Realty Services to enter into a license agreement with the Bethany Baha'i Centre of Learning for the new sign to be put up on the City road allowance.

### **Alignment to Strategic Priorities**

The decision to deny the request aligns with the following Goals of the Strategic Plan:

- Goal 3 – Good Government
  - This would be achieved by not rewarding a long-standing encroachment on City land and not overruling a reasonable staff recommendation made which is consistent with safety and precedent.

### **Financial Impacts:**

If Council chooses to offer a license agreement, the City would collect the annual encroachment fee, currently \$125 plus Consumer Price Index increases. If Council chooses to not offer a license agreement, there would be no financial impacts.

### **Consultations:**

Land Management Team

### **Attachments:**

Appendix A: Sketch of Sign Location



Appendix A -  
RS2023-036.pdf

#### Appendix B: Photo of Existing Sign



Appendix B -  
RS2023-036.pdf

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**Department File:** L17-18-RS078