

**Application
Boulevard Garden
Encroachment Permit**

City of Mississauga
Transportation & Works Department
3185 Mavis Road
Mississauga, ON L5C 1T7
Tel: (905)615-4950
Fax: (905)615-3172
tw.counter@mississauga.ca



Personal information on this form is collected pursuant to Section 286 (c) of the Municipal Act 2001, SO 2001, c.25 and City policy 04-05-02, and will be used for the purposes of administering City of Mississauga By-Law 487-78, as amended.

APPLICANT INFORMATION

Name of Applicant: Phone Number:

Email Address:

PROPERTY OWNER INFORMATION, if different than Applicant Information above.

Name of Owner: Phone Number:

Email Address:

ENCROACHMENT DETAILS

Address: Installation Date:

Description of Proposed Garden:

Pending approval, a Boulevard Garden Encroachment Permit shall be issued to the undersigned under the authority of the [City of Mississauga Encroachment By-law 0057-2004](#) and shall be on the following terms and conditions:

1. The garden encroachment does not and will not cause any conflict or interfere with Transportation & Works guidelines for sightlines.
2. The garden encroachment shall not create a safety hazard for vehicles, pedestrians, cyclists or anyone performing maintenance activities on City owned lands.
3. The garden encroachment does not and shall not contain sharp or dangerous objects.
4. The garden encroachment shall not include plants or materials that may: (a) impair drainage; (b) contain vegetables or grains; or (c) prevent or obstruct snow clearing or removal operations.
5. The Applicant shall remain solely responsible and liable for all maintenance and repairs to the garden encroachment, notwithstanding that damage to the garden encroachment may have been caused by City employees or their agents or any utility companies (i.e. snow plowing activity).
6. The Applicant shall be fully responsible for the restoration of City lands to the then current City standards, including all applicable costs and expenses.
7. The Applicant shall provide to the City a detailed plan of the proposed garden installment in accordance with the requirements of the Encroachment By-law. The Applicant covenants to maintain the garden encroachment in the same condition as the detailed plan.
8. The City reserves the unfettered right to revoke the Permit for any reason at any time upon written notice to the Applicant.
9. The Applicant shall be solely liable and responsible for any injury or damages sustained or suffered by any person as a result of the existence of the garden encroachment.
10. If any claim, demand or court action is instituted against the City as a result of the garden encroachment, the Applicant hereby agrees to fully indemnify, defend and save harmless the City for all costs, expenses, legal fees, orders, awards and damages required to be paid by the City.
11. The Permit is not assignable by the Applicant and shall terminate automatically if title to the Applicant's property or leasehold interest is transferred to another party.
12. Where the Applicant does not own the property directly abutting the garden encroachment, the property owner's consent to install the garden has been obtained in writing and submitted to the City.

I have read the requirements of the Corporation of the City of Mississauga Encroachment By-law 057-04, as amended, and agree to comply with the terms and conditions set out therein and in this application.

I acknowledge that all Boulevard Gardens must comply with the terms and conditions contained the Corporation of the City of Mississauga Encroachment By-law 057-04, as amended. Any failure to comply will result in a contravention of By-law 057-04, as amended, and the undersigned will be responsible for any damage to the Boulevard Garden as a result.

Signature of Applicant: _____ Date:

Signature of Property Owner (if applicable): _____ Date:

Where applicable, I/we have authority to bind the Corporation.

OFFICE USE ONLY

Receipt Number:

Inspection Number:

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BOULEVARD GARDEN ENCROACHMENT DETAILS

- A garden is only permitted within the Boulevard of the public highway. The permit holder is responsible for ensuring the garden falls within the Boulevard portion of the public highway.
- Permits will only be issued for the Boulevard area directly abutting lands owned, rented or leased by the permit holder.
- The permit holder is responsible for locating all utility services, including but not limited to gas, phone, hydro and cable, prior to commencing any works on the Boulevard.
- Gardens shall not pose any danger to the public, compromise drainage, impede any sightlines or adversely affect the delivery of municipal maintenance activities, as determined by Transportation and Works staff.
- Invasive plant material shall not be permitted in gardens.
- Plant material shall not exceed 1.0m in height so as to ensure, among other matters, the plants do not obstruct or impair any sightlines.
- Notwithstanding the above, all plant material shall comply with the following requirements, unless otherwise approved by the Director in writing:
 - fire hydrants must be easily visible and accessible from both the public highway and the Sidewalk. Any plant material within a 1.5m radius of the fire hydrant shall be no higher than 15cm;
 - no plant material of any kind shall be planted within a 1m radius of a utility structure;
 - plants shall not overhang the Sidewalk or path or pose a hazard to pedestrians or other users of same;
 - plant material shall not interfere with proper water flow or proper draining, including but not limited to within roadside ditches and drainage swales;
 - no plants of any kind, with the exception of grass, shall be planted, grown or maintained within 1.0m radius of any Boulevard tree.
- The following are not permitted, unless otherwise permitted by the Director in writing:
 - permanent fixtures, chattels, equipment or any non-plant installations, including but not limited to below surface irrigation systems;
 - raised planters or other above-ground planting structures;
 - any hardscaping materials or landscaping stones;
 - any garden or outdoor furniture;
 - any railings, hoarding or fencing
- The garden shall be at the same grade as the adjacent Sidewalk or path;
- The garden shall be used for planting and shall not be used for parking. If the garden area is subsequently used as a parking area, the permit will be revoked without notice and the permit holder shall restore the Boulevard to its former condition within thirty (30) calendar days.
- Gardens are not permitted within sight triangles at an intersection. Please be advised that applications for gardens that encroach into sight triangles will be denied. Sight triangles must remain vacant for safety reasons.

Sight triangle: a triangular-shaped parcel of land located at the corner of a road intersection, where two street lines meet and extend back and adjacent to another lot, which serves to provide an unobstructed view of crossing oncoming motorists and pedestrians, as further defined in the City of Mississauga Zoning By-law.

FEES

Application fee: \$50.00 (plus HST)
Application fee is non-refundable.

Method of payment: Debit, Credit Card, Bank Draft, Certified Cheque
Please make cheques payable to "City of Mississauga."