



THE MUNICIPALITY OF
LAMBTON SHORES

Emergency, Fire and Protective Services
7883 Amtelecom Parkway
Forest, ON N0N 1J0
T: 519-243-1400 / 1-866-943-1400
www.lambtonshores.ca

January 6, 2022

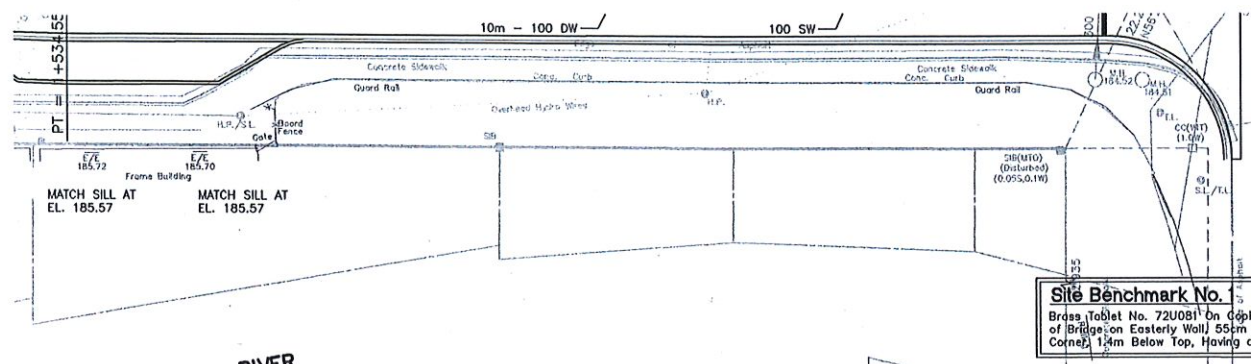
Mr. Armand & Mrs. Krissy Malette,
6 Main St. Grand Bend
ON, N0M 1T0

Re: Erection of closed type construction fence on Municipal road allowance

Dear Recipients,

This is to advise that the Municipality has received a complaint regarding the recent erection of a closed type construction fence on current Municipal road allowance parallel with Main St located at 6 Main Street, Grand Bend, ON. An inspection was conducted on Jan 4th, 2022 subsequent to the complaint and the complaint has been substantiated.

The closed type construction fence was found to be encroaching approximately eight (8) feet onto the municipal road allowance for an approximate distance of forty (40) feet parallel with Main Street based on physical measurements taken during the inspection and the location of the survey bar location on the North/East corner of said property as shown on the surveyed drawings of Lambton Shores Grand Bend Main Street reconstruction project of 2009.



For your reference an encroachment includes, but is not limited to, any steps, decks, patios, railings, fences and structures that extend beyond the property line of 6 Main Street into the road allowance owned by the Municipality of Lambton Shores.

Further; as a result of the encroachment you as the registered property owner of 6 Main Street in Grand Bend Ontario are in non-compliance with By-Law #28 of 2005 being a By-Law providing for the regulation of Streets within the Municipality of Lambton Shores. (Attached to Email)

Whereas By-Law #28 of 2005 states:

Section: 2(b) *No person shall (either by himself or by permitting others or by any means) without lawful authority place or construct any object or structure on, under or over a street or sidewalk:*



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Whereas: *"Street or Highway or Road" are all used interchangeably and are defined to include a common and public highway, street, avenue, boulevard, bridge, crescent, cul-de-sac, court, parkway, driveway, square, place, shoulder, bridge, viaduct, or trestle, or the like, any part of which is intended for or used by the general public for passage of vehicles and includes the area between the lateral property lines thereof.*

Whereas:

Section 5.1 *No person shall erect or allow to be erected any structure or thing which projects into or over a street without lawful authority. Any such structure or thing that projects into or over a street without lawful authority shall be removed by the owner of the land in connection with which it exists immediately after receiving notice from the Municipality to do so.*

Whereas:

Section 6.1 *No person shall obstruct any public highway or sidewalk by erecting, locating or placing thereon any fence, structures or encroachments. Any obstruction, including, but not limited to a fence, barricade or other thing which obstructs a street or interferes with public travel on it shall be removed by the person by whom the same has been built, maintained, placed or deposited.*

The Municipality as the owner of the land recognizes that there is a financial impact imposed upon you as the person(s) who erected the structure and is prepared to work with you in a reasonable manner and time frame to achieve compliance with respect the removal of the fence located on Municipal property so as not to place any undo financial hardship on you as the property owners of 6 Main Street, Grand Bend.

In this instance the Municipality is proposing that you consider providing a reasonable time frame that would permit you to remove the fence from Municipal property in such a manner that would allow you to salvage and reuse as much of the material as possible to minimize any financial loss that is realized from its removal.

Please feel free to contact the undersigned on or before January 20th, 2022, to discuss a compliance date or should you have any additional questions.

Respectfully,

Sean Smith

Municipal Law Enforcement Officer

Badge #146

7883 Amtelecom Parkway

Forest, ON N0N 1J0

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