



City of Kelowna
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Council Policy

Utility Services Across Private Property

APPROVED September 11, 2000

RESOLUTION: R375/10/04/26

REPLACING: R558/05/06/013; R529/05/05/30; R749/00/09/11

DATE OF LAST REVIEW: April 2010

In situations of single lot subdivisions that are infill development, and in other cases when it is deemed by the Utility Services Manager that this option would be a benefit to the Utility, an owner may be permitted to extend a utility service line across abutting private land in an easement provided a Section 219 Restrictive Covenant is registered against the title of the affected properties. The Covenant must impose the obligation to maintain, repair and replace the service line on the property owner whose service was extended across another property and must restrict the owner of the property over which the service line was extended, from constructing any surface improvements over the service line that would hinder the ability to maintain, repair or replace the service line.

The property owner whose utility service is being extended will be required to pay actual costs to the City to cover all legal, Land Title registration and administration costs for preparation and registration of the required documents. A deposit representing the total estimated cost of all services related to the registration of the documents, will be required in advance of the City proceeding with any work related to the document preparation.

For the purposes of administering Council Policy 127 (Execution of Standard Land Title Office Documents), this process and transaction will be deemed in a manner similar to a right-of-way agreement, with the Director of Civic Operations authorized to approve of the necessary documents.

REASON FOR POLICY

To permit the extension of services over private land, while obligating the owner to maintain and repair their own building service.

LEGISLATIVE AUTHORITY

Section 940, Local Government Act and Section 219, Land Title Act

PROCEDURE FOR IMPLEMENTATION

Upon application for subdivision or development, staff will determine if this policy will apply.