

## **Guidelines for Statutory Rights of Way for Engineering and Public Works Infrastructure Rights of Way (Drainage, Sanitary, Water & Electrical Utilities)**

A Statutory Right of Way (SRW) is a legal agreement that allows a public agency to access a private property. This agreement grants the right to use a portion of the property to install and maintain infrastructure needed for the delivery of a specific service or services. The SRW is accompanied by a plan and/or a written description of the right of way area, and is registered at the New Westminster Land Title Office. The SRW is binding on all existing and future owners of the property.

Many properties in the City of Coquitlam have SRWs registered as a charge on the title to the property. The SRW does not reduce the size of the owner's property but does place specific limitations on how a land owner can make use of the land covered by the SRW agreement. These land use restrictions are designed to allow the City to deliver needed services to land owners and grant access rights to City infrastructure installed on the property.

From time to time, City staff or a contractor working on behalf of the City, will make routine inspections of the rights of way to maintain the infrastructure within the SRW.

Prior to any work being undertaken on a City SRW, Engineering and Public Works Customer Service must be notified. Contact Engineering and Public Works Customer Service at:

P: 604-927-3500 (24/7) or E: [epw@coquitlam.ca](mailto:epw@coquitlam.ca)

While the rights and obligations of each party are listed in the SRW agreement, the following are some general guidelines that are common to most SRW's in Coquitlam.

### **Guidelines for Statutory Right of Way (SRW) Encroachments**

#### ***Retaining Walls and Fill Material***

Retaining walls can be built up to the SRW but must not encroach into the SRW, unless the property owner has written permission from Engineering and Public Works. Retaining walls that cross a SRW must only be constructed at a 90° angle to the SRW and must have written permission from Engineering and Public Works. Drawings of proposed works within the SRW must be provided in order to obtain the City's permission.

A minimum of 0.9 m of fill material must be maintained over the infrastructure within the SRW. The maximum depth of the fill material must be no greater than 3.0m. Any change to the fill material requires written permission from Engineering and Public Works.

If any utility covers need to be adjusted to grade due to a change in the depth of fill by the owner, this is done at the owner's expense. Utility covers, manholes, lawn basins and any other type of infrastructure access must be kept clearly visible for maintenance purposes.

Tie backs, geogrid or bin walls must not encroach into the SRW, unless there is written permission from Engineering and Public Works.

All drainage issues that result from the installation of a retaining wall are the responsibility of the property owner and must be dealt with at the owner's expense.

### ***Fences***

Fences must be constructed adjacent to or crossing the right of way. Fences that cross a SRW must be constructed at a 90° angle to the SRW and require written permission from Engineering and Public Works.

Where the fence crosses the right of way, removable fence panels must be used to allow access to the right of way.

Fence posts must be located outside of the right of way unless written permission is granted by Engineering and Public Works.

Where a SRW is split between two properties, permission must be obtained from Engineering and Public Works prior to installation of a fence.

### ***Permanent or Temporary Structures***

No permanent or temporary structures can be constructed on a SRW. This includes, but is not limited to, garden sheds, tool sheds, decks, swimming pools, foundation walls, footings, structural supports and drain tiles.

### ***Driveways, at Grade patios, Sidewalks and Walkways***

Driveways and patios must be constructed of materials of a temporary nature such as crushed gravel, interlocking pavers, patio blocks, asphalt or concrete. If concrete

is used, isolation joints must be accommodated at the edge of the SRW and concrete panels must not exceed 3.0m X 3.0m. Contact Engineering and Public Works staff prior to beginning work.

Sidewalks and walkways must be constructed of materials of a temporary nature such as crushed gravel, interlocking pavers, patio blocks, asphalt or concrete. If concrete is used, isolation joints must be accommodated at the edge of the SRW and concrete panels must not exceed 1.5m X 1.5m. Contact Engineering and Public Works staff prior to beginning work.

### ***Trees, Shrubs and Landscaping Materials***

No trees can be planted on a SRW. Trees must be planted at least 3.0m away from the SRW and must not exceed a full-grown height of 10.0m.

Shrubs can be planted provided they have a shallow root system and will grow to no larger than 1.2m in height.

Vegetable, fruit and flower gardens, decorative landscaping, lawns and low shrubbery are permitted within a SRW.

***Please Note:*** If City staff have to remove any vegetation to access the infrastructure in the SRW, they will make every effort to minimize the damage to the landscaping materials. However, the City is not required to reinstate any plant material that has been removed.

### ***Ponds***

Ponds or fountains must not be constructed on a SRW.

### ***Rockerries***

Rockerries may be constructed on a SRW provided the rocks are no larger than 30cm in diameter and they can be easily moved out of the way should maintenance of the SRW be required. It is best to discuss any plans that you have with Engineering and Public Works prior to starting the work.

### ***Excavation***

No excavation on a SRW can take place without prior written consent from Engineering and Public Works.

### ***Aerial Encroachments***

Aerial encroachments into a SRW will be permitted provided that the part of the structure that is encroaching out over the SRW in non-habitable space such as the overhang of a roof. The encroachment is restricted to a maximum horizontal distance of 0.6m at a minimum vertical distance of 3.0m.

### ***Manholes***

Any manhole, utility cover, lawn basin or any other infrastructure access point that has been constructed on a property must be kept clearly visible to allow for access to City infrastructure for maintenance or repair purposes.

### ***Copies of Right of way (SRW) documents***

Right of way plans for SRW's in the City of Coquitlam, can typically be viewed at City Hall at the Engineering and Public Works front counter. Some details of the SRW's are also available online at:

[www.coquitlam.ca](http://www.coquitlam.ca)  
City Services - City Maps - Explore QtheMap

Hard copies of SRW's and legal plans are not available at the City. If you require a copy of a right of way plan or the legal agreement detailing the rights and obligations of the City and the property owner, please contact:

Land Title and Survey Authority of BC  
Anvil Office Tower  
Suite 500 – 11 Eighth Street - New Westminster BC V3M 3N7  
P: 604-630-9630 or Toll Free: 1-877-577-5872  
[www.ltsa.ca](http://www.ltsa.ca) Email: [customerservice@ltsa.ca](mailto:customerservice@ltsa.ca)

### ***Removal of a legally registered right of way***

To apply to remove an unused SRW from a property, first contact Engineering and Public Works Customer Service to confirm that there is no infrastructure in use in the SRW then contact the City's Legal division.

### ***Questions or concerns regarding rights of way***

Call Engineering and Public Works Customer Service. A staff member can be reached at:

P: 604-927-3500  
24 hours a day - 7 days a week  
E: [epw@coquitlam.ca](mailto:epw@coquitlam.ca)

**DISCLAIMER**

*The foregoing information is given for your convenience only and no representation is made as to the accuracy or completeness of the information provided herein with respect to statutory rights of way and nothing herein is to be construed as legal advice. If you have any concerns or questions about the legal nature of a statutory right of way and the impact to your property, you should contact a lawyer.*

**Other Rights of Way Utility Contact Information**

***BC One Call - "Call Before You Dig"***

*www.bc1c.ca*

*Email: info@bc1c.ca*

Emergency locate

Toll free: 1-800-474-6886

***Fortis BC***

*www.fortisbc.com*

Natural Gas Emergencies

1-800-663-9911 (24 hours)

Natural Gas Customer Service

1-888-224-2710

Property Services –

604-576-7021

working within or over a right of way

or 1-877-599-0996

Email: *property.services@fortisbc.com*

***BC Hydro***

*www.bchydro.com*

*Email: properties.helpdesk@bchydro.com*

Properties Division – ROW Management

1-800-667-1517

***Kinder Morgan***

*www.kindermorgan.com*

Trans Mountain Pipeline

Call before you dig

811

In case of Pipeline Emergency

1-888-876-6711

Pipeline Protection

1-888-767-0304

call toll free for a site meeting or to request information

***Shaw Communications***

*www.digshaw.ca*

Call before you dig

1-866-DIG-SHAW

1-866-344-7429