

ENCROACHMENT POLICY - DRAFT

Encroachment is a very serious and offensive situation that the ALC has encountered on numerous occasions recently, and no doubt will in the future. In order to deal efficiently with encroachment issues, and while ever issue will be seen for its own importance and gravity, all encroachment issues should be delicately approached with a positive and forthright attitude.

Preliminary Action –

It is important that a prompt response is made when encroachment is identified. (Prior to any direct contact with the encroachment offender the ALC should review all pertinent deed/history/etc. documentation.)

An incident specific encroachment file should be set up, from the onset, and kept with the property file.

It is fundamental that all relevant documentation to the issue be found, researched, and filed as a matter of course.

It is important to seek supportive assistance (legal or professional) if questions or uncertainties arise.

Four Stage Action Plan -

1. Introduction – Formal introduction to neighbor and/or encroachment offender: This would include identification of the encroachment issue, and concerns of the ALC. This does not necessarily have to be done in person, but can be handled by phone. Specifically it should be suggested that a formal meeting be arranged to discuss the issue.
2. Formal Meeting – On site meetings with at least 2 members of the ALC and the offender: This would include a presentation of the issue using deeds, maps, and other relevant information. The discussions should include ideas to reconcile the issue, and/or a way forward towards an amicable resolution.
3. Correspondence – Formal correspondence outlining responsibility and legal position: After the formal meeting a letter should be written outlining the discussion points, and the way forward. This letter should include a definitive time schedule of how long the offender has to rectify the situation, the process by which it will be carried out, and costs (shared or not). The letter should be copied to the ALC's legal representative so that further action, should it be necessary, can be expedited.
4. Legal Action – If no positive way forward or reconciliation can be reached.