



THE CORPORATION OF THE TOWNSHIP OF MUSKOKA LAKES
TOWNSHIP COUNCIL POLICY

Sale of Original Shore Road Allowances and Original Road Allowances

AUTHORITY: Township Council	APPROVED: Res. No: Date:	C-7-16/11/10 November 16, 2010	REVISED: Res. No: Date:	C-6-14/08/15 August 14, 2015 C-4-12/01/18 Jan.12, 2018
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PURPOSE: To provide a procedure for the sale of original shore road allowances and original road allowances.

POLICY: **The Township of Muskoka Lakes will consider application for the closure and conveyance of most types of road allowances within the Township to abutting owners. All closures are at the discretion of the Township of Muskoka Lakes.**

STANDARDS:

ORIGINAL SHORE ROAD ALLOWANCES (OSRA)

- 1.01 (a) Generally the portion of OSRA to be closed and conveyed will be determined by straight extension of existing lot lines.
- (b) Notwithstanding standard 1.01(a) above, Council will consider deviations from the straight extension of existing lot lines in some circumstances. These circumstances must be explained in writing and accompany the application. Comments from the abutting neighbours will be required before approvals are granted. If it is determined during the preparation of the reference plan that a deviation is required, comments from the abutting neighbours will still be required before the application can proceed.
- (c) Portions of OSRA, covered by water, will remain in Township ownership, except for those circumstances as indicated in Township Council Policy for the Sale of Flooded Land C-LS-09.
- (d) Applications will not be approved if other owners of land are, or may be deprived of access to their property or if the closure conflicts with Township By-laws or practices.
- (e) Applications for closure of portions of the OSRA in front of one property will not be considered. The Township will consider only closures of OSRA fronting on all of the applicants property and bounded on both sides by the straight lot line extensions of the applicant's lands.
- (f) OSRA may not be closed when it abuts or provides access to significant fish spawning areas, wildlife habitat or other environmentally significant features as identified by the Ministry of Natural Resources, or contains significant historical, cultural, or recreational features.

- (g) Final approval of the required by-law will not be given until the realty taxes on the applicant's property are paid in full.

ORIGINAL ROAD ALLOWANCES (ORA)

- 1.02 (a) When considering an application for the closing and conveying of a portion of an ORA, Committee and/or Council will take into consideration its proximity to open Municipally maintained roads.
- (b) Agreements may be entered into between the applicant and the Township to exchange land for road allowances provided the applicant pays all costs involved.
- (c) The Township will not close ORA, or portions thereof if they abut the OSRA or lead to water. Applications will not be accepted for these types of road closures unless there is consideration of a land exchange as provided in standard 1.02 (b) of this policy or in special circumstances as provided in standards 1.02 (d) of this policy.
- (d) In special circumstances such as a road allowance crossing a peninsula with water on both sides or an island where the road allowance has no present or foreseeable future municipal use, Council may agree to close and convey ORA leading to the OSRA or water.
- (e) Applications will not be approved if other owners of land are, or may be deprived of access to their property or if the closure conflicts with Township by-laws or procedures.
- (f) ORA may not be closed when it abuts or provides access to significant fish spawning areas, wildlife habitat, or other environmentally significant features as identified by the Ministry of Natural Resources, or contains significant historical, cultural, or recreational features.
- (g) Final approval of the required by-law will not be given until the realty taxes on the applicant's property are paid in full.

PLANNING REQUIREMENTS

2.01 Road Allowances abutting a lot on a registered Plan of Subdivision

- (a) When a road allowance is closed and deeded to the owner of an abutting lot on a registered plan of subdivision, the road allowance will not naturally merge with the abutting lot. Section 50(3) of the Planning Act, R.S.O. 1990 as amended will permit the owner of these parcels to convey them separately unless they are merged on title by the passage of a deeming by-law. The purpose of the deeming by-law is to "deem" the lot not to be on a registered plan of subdivision, thereby allowing the two parcels to merge on title.
- (b) After the deeming by-law is passed, it must be registered against title to the property, lodged with the Minister and sent to the affected property owners. The Planning Department requires an application to be completed by the owners of the lands requesting their lot "to be deemed not to be a lot on a registered plan of subdivision" accompanied by the applicable application fee. This process will take approximately two (2) months and can be initiated any time during the road closing process.

2.02 Road Allowances abutting a lot created by consent after March 31, 1979.

- (a) When lots are created by a severance application, approved after March 31, 1979, and a Road Allowance Closing is required as a condition of consent, the Committee of Adjustment places a clause in the new deed which will exempt the new lot from the requirements of Section 50(3) of the Planning Act R.S.O. 1990 as amended. The effect is to merge the road allowance with the newly created lot.

2.03 Existing Lots of Record

- (a) Existing lots of record are lots that were created before the passage of a parent zoning by-law. Normally, these lots are still developable provided they have 100 feet of frontage and 15,000 square feet of area.
- (b) When a road allowance is closed and merged with an abutting lot, it is usually a building lot provided that the resulting lot has a minimum of 100 feet of frontage and 15,000 square feet in area.
- (c) When a road allowance is closed and merged with the abutting lot and it does not meet the size noted above and the owner wishes to have it recognized as a legal building lot, an exemption to the zoning by-law can be applied for. It is not guaranteed that such an application will be approved. There is an application fee for an exemption to the zoning by-law.
- (d) Newly created lots generally require a minimum of 200 feet of frontage and one (1) acre in area or greater. Comprehensive Zoning By-law 2014-14, as amended, however, states that where a lot addition is made to a lot that meets the existing lot of record criteria, the lot is deemed to comply with the minimum lot frontage and lot area requirements.

ROAD ALLOWANCE CLOSURES

3.01 The road closure procedure commences when inquiries are first received from property owners. The Township will provide the applicant with a formal application form, advice as to the procedures to be followed, as well as information on the fees required.

3.02 The applicant will include, when submitting a formal application, the following:

- (a) application fee of \$1,000.00
- (b) sketch plan of the road allowance being considered and the applicant's property

3.03 If the application is rejected, half of the application fee will be refunded, when advice of such rejection is issued. The same refund shall be provided, should it be found that the road allowance has already been closed and conveyed.

3.04 Should the applicant decide to withdraw their application following its initial approval by the Clerk or Committee / Council, the total application fee will be retained by the Township.

3.05 A registered reference plan of survey for the subject road allowance must be filed with the Municipality within one year from the date of approving the application or the application will be considered null and void and a new application will be required.

3.06 Road allowance purchase prices or values shall be established as follows:

(a)(1) **Original Shore Road Allowances**

Following approval of an OSRA closure, and the passing of requisite by-laws, the applicant shall pay to the Township, for the lands represented by a closed OSRA or any other road allowance adjoining water, funds based on the following schedule or the schedule that is in effect at that time:

CLASS	LAKE	COST PER SQ. FT.	200' X 66' = 13,200 SQ. FT.
1	Rosseau	at \$ 1.65	\$ 21,780.00
	Muskoka	“ “	“
	Joseph	“ “	“
2	Skeleton	at \$ 1.35	\$ 17,820.00
	Nine Mile	“ “	“
	Three Mile	“ “	“
	Clear Lake	“ “	“
	Severn River	“ “	“
	Medora	“ “	“
	High	“ “	“
	Brandy	“ “	“
	Big Long Lake	“ “	“
	Leonard	“ “	“
	Little Long	“ “	“
	Cardwell	“ “	“
3	Rodrick	at \$ 1.00	\$ 13,200.00
	Cranberry Lake	“ “	“
	Cowan Lake	“ “	“
	Camel Lake	“ “	“
	Woodland	“ “	“
	Unnamed Lakes	“ “	“

For a more detailed list of lake classifications, contact the Township Office.
NOTE: Plus applicable taxes.

The minimum sale price for an OSRA closure or any other road allowance adjoining water shall be \$1,500.00. This would apply when the sale is calculated and is below this amount.

(a)(2) A numbered reference plan of survey is required in order to finalize the purchase. The applicant arranges for the preparation of such plan by an Ontario Land Surveyor, who will be required to provide a calculation of the square foot content of the area to be closed and sold. The flooded and unflooded areas of the OSRA, are to be shown as part numbers as well as the foot frontage of the lot pursuant to By-law 2014-14, as amended, on the reference plan of survey. The sale amount of the lands will be calculated by multiplying the square foot area of lands to be sold, by the applicable rate per square foot. The applicant is required to pay for such plan, prepared by an Ontario Land Surveyor.

- (a)(3) Should the Ontario Land Surveyor, during the survey of the OSRA discover an encroachment on abutting Township property such as a road allowance leading to water, they will be required to include in the plan the abutting Township property commencing from the rear of the applicant's property to the water. The survey will include, the road allowance, the shore road allowance, (flooded and unflooded), and all encroachments as part numbers. Structural encroachments will have a six (6) foot allowance around them for maintenance purposes. The applicant will be responsible for the additional survey fees.
- (a)(4) Should a situation as indicated in paragraph 3.06 (a)(3) occur, the applicant will be required to apply to the Township for permission to allow the encroachment to remain. The Township Council Policy for License Agreements C-LS-07 may be required in these circumstances.
- (a)(5) At the time of the submission of the reference plan, it may be determined that a portion of the road allowance constitutes flooded lands; if so, that portion will remain in Township ownership, except for those circumstances as indicated in Township Council Policy for the Sale of Flooded Land C-LS-09.

(b)(1) Other Road Allowances

Following approval of an ORA closure by Committee and Council and the passing of requisite by-laws, the applicant shall pay to the Township, for the lands represented by a closed ORA, except for any road allowance adjoining water as referred to in Section 3.06(a) (1), funds shall be based on the following rate or the rate that is effect at that time:

COST PER SQ. FT.	200' X 66' = 13,200 SQ. FT.
at \$ 1.50	\$ 19,800.00

NOTE: Plus applicable taxes.

The minimum sale price for an ORA closure shall be \$1,500.00. This would apply when the sale is calculated and is below this amount.

- (b)(2) A numbered reference plan of survey showing the road allowance as part numbers is required in order to finalize the purchase. The applicant arranges for the preparation of such plan by an Ontario Land Surveyor, who will be required to provide a calculation of the square foot content of the area to be closed and sold. The sale amount of the lands will be calculated by multiplying the square foot area of lands to be sold, by the applicable rate per square foot. The applicant is required to pay for such plan, prepared by an Ontario Land Surveyor.

GENERAL

- 3.07 Applicants for all road closures also pay all costs associated with the legal work (as well as survey work) required in connection with the closure and sale of a road allowance.
- 3.08 (a) Upon receipt of the formal application and the required application fee for an ORA, a report will be prepared by Township staff and submitted to the applicable Committee of Council, complete with a map or sketch, as may be available from the applicant or from Township files. The comments of the Director of Public Works, the Director of Planning, the Development Services Co-ordinator, the Fire Chief (when necessary) and the Trails Worker (when necessary) will be obtained. The report will contain a recommendation for the consideration of the Committee as to

the merits of the closure. A formal survey or reference plan is not required at this point in the procedure.

- (b) Upon receipt of the formal application and the required application fee for an OSRA, comments of the Director of Public Works, the Director of Planning, the Development Services Co-ordinator, the Fire Chief (when necessary) and the Trails Worker (when necessary) will be obtained. The Clerk will review the application and comments to determine whether it adheres to the provisions required under this policy. If the application adheres to the provisions required under this policy, and / or Township Council Policy for the Sale of Flooded Land C-LS-09, the Clerk, who in these cases has been delegated authority to provide initial approval for such applications, may provide initial approval to proceed. If the application for an OSRA falls under the circumstances as provided in standard 1.01 (b) of this policy with respect to deviations from the straight lot line extension, in the case when members of staff as referenced above are not supportive of the application, or in any other case where the Clerk determines the application requires direction from Committee or Council, a report will be prepared. The report will contain a recommendation for the consideration of the Committee as to the merits of the closure. A formal survey or reference plan is not required at this point in the procedure.

3.09 When an ORA or OSRA report is prepared, the applicable Committee will consider the merits of the application and may recommend proceeding with the closure. Such recommendation will be submitted to Council for final approval. In the instance when an OSRA application adheres to the provisions required under this policy, and / or Township Council Policy for the Sale of Flooded Land C-LS-09, the Clerk, who in these cases has been delegated authority to provide initial approval for such applications, may provide initial approval to proceed with the application following consideration of the merits of the application.

3.10 (a) Upon approval, the applicant will be advised that the closure and sale is to proceed. The applicant will also be advised of the need for a numbered reference plan, a copy of which will show the location of all structures located on the road allowance.

- (b) Notice of the application as prepared by the Township is served upon the District Municipality of Muskoka, if so required by the District in accordance with their Road Closing Procedures Guidelines.

3.11 Once the required reference plan has been submitted by the applicant, a letter of instruction will be sent to the Township's solicitor to proceed with the closing and will include a copy of the reference plan and approval.

3.12 The Township requires that its solicitor act on its behalf in the closure and sale of Township road allowances. All legal fees associated with the sale, are the responsibility of the applicant. The applicant, at their option and cost, may wish to have their solicitor act on their behalf in the usual relationship associated with the conveyance of lands.

3.13 The Township solicitor, upon receiving instructions, will proceed as follows:

- (a) Sub-search title to confirm that the applicant is the owner of the property adjacent to the subject road allowance.
- (b) Notice of the application is prepared and served upon applicable agencies required to comment.

- (c) If no objections are received from standards 3.10(b) and 3.13(b) above, notice of the proposed by-law shall be published in the manner, time and form as provided by the Township Council Policy for Public Notice C-LS-06.
 - (d) The by-law, together with all required affidavits and exhibits, is prepared and submitted to the Township of Muskoka Lakes for consideration and passage at a meeting of Council.
 - (e) If approved by Council, the by-law is then returned to the Township solicitor and approval of same is obtained from any other required agency, if necessary.
 - (f) Reports to the applicant and to the Township, complete with all required payments.
 - (g) Estimated length of procedure is approximately six (6) month after the receipt of the survey plan as provided in standard 3.11 above.
- 3.14 Prior to the passage of the road closing by-law as indicated in standard 3.13 (d) of this policy, the road allowance shall be declared surplus by Township Council resolution pursuant to Township Council Policy for the Sale and Other Disposition of Land C-LS-01.
- 3.15 The Township must be notified immediately of any change of ownership throughout the road closing process.
- 3.16 If two (2) or more applicants join in one (1) application, costs for survey and legal work for each participant can be reduced.
- 3.17 This policy shall be reviewed for possible revision, as may be considered necessary and in the public interest.

LEGAL REFERENCES: Sections 34, 35, 43 and 270 of the Municipal Act, 2001, as amended

CROSS REFERENCES: Township Council Policy C-LS-01 - Sale and Other Disposition of Land, Township Council Policy C-LS-06 - Public Notice, Township Council Policy C-LS-07 - License Agreement, Township Council Policy C-LS-09 - Sale of Flooded Land, Committee of the Whole Res. # COW-3-06/10/10, Confirming By-law number 2010-142; Committee of the Whole Res. # COW-4-17/05/11, Confirming By-law number 2011-73; Committee of the Whole Res. #COW-15-21/07/15, Confirming By-law number 2015-107, Delegation of Authority By-law 2015-101; Committee of the Whole Res. #COW-6-14/12/17, Confirming By-law number 2018-008.



P.O. Box 129, 1 Bailey Street, Port Carling, Ontario, P0B 1J0
 Website: www.muskokalakes.ca
 Phone: 705-765-3156 Fax: 705-765-6755

ORIGINAL ROAD ALLOWANCE CLOSING APPLICATION

DATE: _____ ROLL #: _____

REGISTERED PROPERTY OWNER(S): _____

MAILING ADDRESS: _____

POSTAL CODE: _____ PHONE: _____

TOWNSHIP PROPERTY ADDRESS: _____

E MAIL: _____

FORMER MUNICIPALITY: _____

CONCESSION: _____ LOT: _____ PLAN: _____ PART: _____

I/We hereby apply to the Township of Muskoka Lakes for the closing and conveying of the above road allowance. All registered property owners have signed below and are in agreement of this application.

I/We confirm that I/We have read and understand the Original Road Allowance Closure Policy C-LS-08 and acknowledge that I/We are responsible to pay all legal, surveying and administrative costs involved in the process and will be obligated to pay to the Township the land acquisition rate as per the current municipal policy C-LS-08.

Submitted herewith is the following:

- (1) Required application fee of \$1,000.00.
- (2) A sketch or site plan which shows the original road allowance and all structures situated on the lands.

Registered Property Owner(s):

Signature

Signature

I/We hereby appoint the following agent/solicitor to act on our behalf and are aware that the Township Solicitor must be used for the Original Road Closing process. Any other solicitor or agent acting on my/our behalf is at my/our expense and is in addition to any fees required by the Township Solicitor. Appointment of an agent/solicitor is optional.

Name of Agent/Solicitor: _____

Address: _____

Phone: _____

Email: _____

The personal information on this form is being collected pursuant to the Municipal Freedom of Information and Protection of Privacy Act and the Municipal Act, for the principle purpose of processing this application. Questions about this collection should be directed to the Clerk, Township of Muskoka Lakes, Box 129, Port Carling, Ontario, P0B 1J0, (Telephone 705-765-3156).

For Office Use Only		
Date received:	Received by:	Payment received:
File Number Assigned:		Receipt #:



P.O. Box 129, 1 Bailey Street, Port Carling, Ontario, P0B 1J0
 Website: www.muskokalakes.ca
 Phone: 705-765-3156 Fax: 705-765-6755

ORIGINAL SHORE ROAD ALLOWANCE CLOSING APPLICATION

DATE: _____ ROLL #: _____

REGISTERED PROPERTY OWNER(S): _____

MAILING ADDRESS: _____

POSTAL CODE: _____ PHONE: _____

TOWNSHIP PROPERTY ADDRESS: _____

E MAIL: _____

FORMER MUNICIPALITY: _____

CONCESSION: _____ LOT: _____ PLAN: _____ PART: _____

I/We hereby apply to the Township of Muskoka Lakes for the closing and conveying of the above shore road allowance. All registered property owners have signed below and are in agreeance of this application.

I/We confirm that I/We have read and understand the Original Shore Road Allowance Closure Policy C-LS-08 and acknowledge that I/We are responsible to pay all legal, surveying and administrative costs involved in the process and will be obligated to pay to the Township the land acquisition rate as per the current municipal policy C-LS-08.

Submitted herewith is the following:

- (1) Required application fee of \$1000.00.
- (2) A sketch or site plan which shows the original shore road allowance and all structures situated on the lands.

Registered Property Owner(s):

Signature

Signature

I/We hereby appoint the following agent/solicitor to act on our behalf and are aware that the Township Solicitor must be used for the Original Shore Road Closing process. Any other solicitor or agent acting on my/our behalf is at my/our expense and is in addition to any fees required by the Township Solicitor. Appointment of an agent/solicitor is optional.

Name of Agent/Solicitor: _____

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