



THE CORPORATION OF THE TOWNSHIP OF MUSKOKA LAKES  
**TOWNSHIP COUNCIL POLICY**

**Sale of Flooded Land**

<b>AUTHORITY:</b> Township Council	<b>APPROVED:</b> <b>Res. No:</b>  <b>Date:</b>	<b>C-14-03/02/09</b>  <b>February 3, 2009</b>	<b>REVISED:</b> <b>Res. No:</b>  <b>Date:</b>	C-6-06/06/11 June 6, 2011 C-4-12//01/18 Jan. 12, 2018
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**PURPOSE:** To provide a procedure for the sale of flooded land.

**POLICY:**

Pursuant to Section 43 of the Municipal Act, 2001, as amended, a municipality that permanently closes a highway shall not convey the land forming the highway if it is covered with water without the consent of the Ministry of Natural Resources.

Pursuant to Section 43 of the Act, the Ministry of Natural Resources has provided written consent to the Township of Muskoka Lakes to close and convey the flooded portions of original shore road allowance adjacent to private landowners where Council deems it appropriate.

Pursuant to Township Council Policy C-LS-08 (Original Shore Road Allowance), the Township of Muskoka Lakes will consider applications for the closure and conveyance of original shore road allowances to the abutting landowner. All closures are at the discretion of the Township of Muskoka Lakes. Generally, portions of the original shore road allowance covered with water will remain in the ownership of the Township of Muskoka Lakes.

In the case of a two storey boathouse or a boathouse with living accommodation and in order to meet the Ministry of Natural Resources Free Use of Crown Land Policy, the Township of Muskoka Lakes will consider the sale of a portion of the flooded original shore road allowance when the landowner applies to obtain ownership of the crown lakebed where their boathouse is situated.

**STANDARDS:**

1. The Township of Muskoka Lakes will consider the sale of a portion of the flooded original shore road allowance in the case of a two storey boathouse or a boathouse with living accommodation when the landowner applies to obtain ownership of the crown lakebed where their boathouse is situated in order to meet the Ministry of Natural Resources Free Use of Crown Land Policy. The Ministry of Natural Resources will only consider the sale of crown land under a two-storey boathouse to those persons who own the land directly abutting it. The Township of Muskoka Lakes will only consider the sale of the original shore road allowances to the abutting landowner.



2. In these site specific cases, the surveyor will designate the portion of flooded shore road allowance directly between the unflooded portion and the crown lakebed under the two storey boathouse that is to be purchased, as a separate part number on a registered reference plan.
3. The sale price of the flooded land will be charged at the rate equivalent to the price per lake as set out in the schedule in Township Council Policy C-LS-08 (Original Shore Road Allowance).
4. In the case of a new original shore road allowance closing application, the standard application form and fee will be required. The request to purchase the flooded land will be included as part of the standard application process pursuant to Township Council Policy C-LS-08 (Original Shore Road Allowance).
5. For those applicants that have already acquired the unflooded portion of original shore road allowance, a formal application will be required as follows;
  - a. completed application form.
  - b. application fee of \$575.00.
  - c. sketch plan of the subject lands showing the location of the two storey boathouse on the original shore road allowance.
  - d. The applicant will be responsible for all survey, legal, by-law, registration and other costs associated with the closure and conveyance.

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

**CROSS REFERENCES:** Township Policy C-LS-08, Original Shore Road Allowance; Committee of the Whole Resolution # COW-13-14/01/09, Confirming By-law number 2009-006; Confirming By-law number 2009-23; Committee of the Whole Res. # COW-4-17/05/11, Confirming By-law number 2011-73; 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](http://www.muskokalakes.ca)  
 Phone: 705-765-3156 Fax: 705-765-6755

**SALE OF FLOODED LAND 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/or conveying of the above flooded 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 the Sale of Flooded Land Policy C-LS-09 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 \$575.00.
- (2) A sketch or site plan which shows the original shore road allowance and the location of the two storey boathouse 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 Sale of Flooded Land 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:	OSRA By-law:	Receipt #: