



- Registration of the By-law on title to the property to stop up and close the shore/road allowance in accordance with the provisions of the Municipal Act;
- Interim report to applicant requesting compensation funds and signature on all transfer documentation;
- Application General to Registry Office transferring shore/road allowance into the name of the Municipality;
- Application General to the Registry office requesting PIN parcel register (required prior to transfer of the land);
- Interim report to the Municipality requesting Mayor and Clerk signature on all transfer documentation;
- Registration of deeming By-law (if required);
- Registration of transfer documentation;
- Registration of consolidation of PIN parcel registers;
- Preparation of Solicitor's report to applicant;
- Preparation of Solicitor's report to the municipality;
- Land acquisition fees processed;

- Recording of applicable information in Township records;
- File closed

For more information please contact the Corporate Services Department at (705) 635-2272.

This brochure is for reference purposes only, please refer to the Original Shore/Road Allowance Closure Policy for a detailed account of the applicable procedures.

## CORPORATE SERVICES

### Original Shore/ Road Allowances



Revised Summer 2014

## MUNICIPAL SHORE/ROAD ALLOWANCES

**Shoreline road allowances** exist on many lakes within Ontario. Crown surveyors reserved a 66 foot wide road allowance around the edges of most Ontario Lakes. Although many of these allowances were never opened as public municipal roads, they remain public property. Waterfront property owners often do not own their lots right up to the water's edge. In many circumstances, property owners have encroached onto these allowances and utilized them as a lot addition with the construction of entire or parts of dwellings, boathouses, docks, garages, landscaping, etc.

**Road allowances** were originally laid out for roads by Crown surveyors generally 66 feet in width. Many of these road allowances were never developed into travelable roads and they remain unopened and in public ownership. Some of these road allowances lead directly to water and other road allowances sometimes create what appear to be a lot between two privately owned properties. In most cases these road allowances are "invisible" to all but land surveyors. In many circumstances, the property owner has encroached onto these allowances with structures, landscaping, septic, wells, etc.

Consequently, some of these property owners have encountered problems with land transfers, mortgages, insurance claims and the settling of estates because their structures are located on, or partly on, land they do not own. Under the Limitations Act, it is not possible for persons to

obtain prescriptive or "squatter's rights" against road allowances; even those that are unopened.

Property owners can rectify the trespass in the following ways:

- Purchase of Original Shore/Road Allowance;
- License of Occupation;
- Lease

## WHAT I NEED TO KNOW BEFORE I START

- Applications to purchase Original Shore/Road Allowances are processed under the authority of The Municipal Act and respective municipal by-laws and policies;
- Applicants should be aware that it could take up to 6 months to a year to complete the sale and conveyance of township land;
- The applicant is responsible for paying all administrative, legal, surveying, advertising & land acquisition costs involved in the shore/road closing;
- The land acquisition costs are calculated on the square footage of the shore/road allowance as determined by the Reference Plan and subject to the fees set out in the Townships User Fee By-law;
- Applicants must own property directly abutting the original shore/road allowance; and
- Applicants are responsible for engaging the services of an Ontario Land Surveyor to prepare a new reference plan.

## BRIEF OUTLINE OF APPLICATION PROCESS

- Application submitted;
- Township file prepared;
- Application circulated for departmental review;
- Preliminary report to Council (if required); or
- Instruction letter prepared and file forwarded to Township Solicitor;
- Initial review of municipality's instructions and opening of legal file;
- Preparation of deposit letter to applicant;
- Review and approve the draft reference plan for deposit at Registry Office;
- Letters to all agencies with a potential interest in the land (Hydro, Bell, District etc.);
- Public Notice advertisement prepared for local paper (two weeks);
- Registration of any easements required by the agencies listed above;
- Preparation of surplus report for Council;
- Preparation of By-law to be passed by Council;
- Preparation of purchase price letter to Township Solicitor;
- Preparation of transfer documentation for the Township and applicant;