



THE CORPORATION OF THE TOWNSHIP OF LAKE OF BAYS

APPLICATION FOR CLOSING ORIGINAL SHORE ROAD ALLOWANCE

DATE: _____ ROLL#: _____ CIVIC ADDRESS: _____

NAME: _____

HOME ADDRESS: _____

PHONE: _____

FORMER TOWNSHIP _____ CON. _____ LOT _____

PLAN NO. _____ PARTS: _____

I hereby apply to the Township of Lake of Bays, for the closing and conveying of that portion of the Original Shore Road Allowance above the high water mark ***abutting my property***; and having the ownership of same transferred to the above name(s).

I agree to pay all Township, legal and survey fees involved in the above transaction, plus the rate per square foot, as established by the municipal fee schedule.

Submitted herewith is the following:

- a) Application fee of \$400.00; and
- b) Seasonal (summer) pictures of current shoreline vegetation; and
- c) Approval of the adjoining landowner(s) concerning the location of the extension of the side lot line in the following manner:
 - (i) Signed and witnessed Lot Line Extension Authorization form; and
 - (ii) A sketch or survey "initialed" or "signed" by the adjoining property owner(s) which clearly shows the applicant's property and the adjoining property.

Yours truly,

Name of Solicitor:

Signature

Address:

Signature

Phone: _____



APPLICATION FOR CLOSING ORIGINAL LAKESHORE ROAD ALLOWANCE

LOT LINE EXTENSION AUTHORIZATION

The applicant, _____ is the Owner of Part of Lot ____, Con. ____, in the Geographic Township of _____.

I, _____, owner of abutting lands described as Part of Lot ____, Con. ____, in the Township of _____ do hereby consent to _____ purchasing that portion of the Original Shore Road Allowance lying adjacent to his/her property.

I have reviewed and “initialed” or “signed” a sketch or survey presented by the adjoining property owner(s) which clearly shows the applicant’s property and the adjoining property appended hereto and hereby agree to the proposed lot line extension as shown on the sketch/survey.

Dated this _____ day of _____, 20__.

Witness

Neighbour



APPLICATION FOR CLOSING ORIGINAL LAKESHORE ROAD ALLOWANCE

LOT LINE EXTENSION AUTHORIZATION

The applicant, _____ is the Owner of Part of Lot ____, Con. ____, in the Geographic Township of _____.

I, _____, owner of abutting lands described as Part of Lot ____, Con. ____, in the Township of _____ do hereby consent to _____ purchasing that portion of the Original Shore Road Allowance lying adjacent to his/her property.

I have reviewed and “initialed” or “signed” a sketch or survey presented by the adjoining property owner(s) which clearly shows the applicant’s property and the adjoining property appended hereto and hereby agree to the proposed lot line extension as shown on the sketch/survey.

Dated this _____ day of _____, 20__.

Witness

Neighbour

ORIGINAL SHORE ROAD ALLOWANCE CLOSURE PROCEDURES

1 PURPOSE:

1.01 To provide a procedure for closure of original shore road allowance applications

2 GENERAL PROVISIONS:

- 2.01 (a) Generally the portion of shore road to be closed and conveyed will be determined by extension of the existing lot lines, in order to provide regularly shaped lots for zoning purposes.
- (b) Notwithstanding the above, Council will consider deviations from the straight lot line extension of existing lot lines in extenuating circumstances. These circumstances must be explained in writing and accompany the application with comments from the abutting neighbour and applicant before approvals are granted.
- (c) Applications will not be approved if other owners of land are or may be deprived of the sole vehicular access to property or if the closure conflicts with Township by-laws or practices.
- 2.02 Applicants for all road closures pay all costs associated with the legal and survey work required in connection with the closure and sale. The initial application fee includes:
- The administration fee for review of the initial application and creation of the new file;
 - Circulations to various departments;
 - Correspondence with applicant;
 - Preparation of preliminary report to Council, if applicable;
 - Transfer of file to solicitor with instruction letter;
 - Review of the new reference plan for the subject road allowance;
 - Preparation of resolution and final report; and
 - Presentation of by-law to Council.
- 2.03 The Township solicitor will act on behalf of the Township in the closure and sale of all Township roads. All legal fees associated with the sale are the responsibility of the applicant. The applicant is responsible for engaging an Ontario Land Surveyor familiar with road closings to prepare a new reference plan of the subject shore road allowance. Prior to this plan of reference being deposited in the Land Registry Office, it must be reviewed by the Municipal Solicitor to ensure it complies with the Township's policies.

The following Section 2.04 becomes effective January 1st, 2008

- 2.04 Applications for closure for **portions** of the shore road allowance will **only** be considered at the discretion of Council and are subject to the following criteria:
- Owners are required to have an excess of 1000 ft. of shoreline frontage;
 - 500 ft. is the minimum partial closure; and
 - The 500 ft. portion of Original shore road allowance consists of a continuous non-interrupted measurement.
- 2.05 On all lakes that have a controlled high water mark, only that portion of the original shore road allowance above the high water mark will be deeded to the applicant. The flooded portion of the original shore road allowance will be closed but remain in the Townships name.
- 2.06 The applicant is advised that the survey costs and the Solicitor's fees would be reduced considerably, if several abutting property owners apply at one time to close the original shore road allowance.
- 2.07 The purchase of the portion of the original shore road allowance above the high water mark is based on a square footage fee. The purchase costs vary according to size of the lake (Schedule C3 of the Township Official Plan) and are as follows:
- small sized lakes and rivers, being 7 to 69 hectares, \$0.30 per square foot
 - medium sized lakes and rivers, being 70 to 350 hectares, \$0.60 per square foot
 - large sized lakes and rivers, being greater than 350 hectares, \$0.90 per square foot

- 2.08 The Township Solicitor will register the road closing by-law and transfer of land documents on title.
- 2.09 All legal fees are determined by the Township Solicitor and payable to the Township Solicitor at the time of invoicing.
- 2.10 The average estimated cost of closing a 150 feet wide by 66 foot OSRA deep (maximum depth), exclusive of G.S.T. is as follows:

Application fee	\$	400
Survey, & registration of plan	\$	1,500 (Approx.)
Land acquisition costs	\$	<u>2,970 to 8,910</u>
	\$	<u>4,870 to 10,810</u>

- 2.11 A shore road allowance application will be considered **expired** if it has been inactive for a period of **two years**.
- 2.12 (a) In the event that the Township requires that a lot be deemed “not be a lot on a registered plan of subdivision” there will be an additional fee of \$300.00 per application payable to the Township of Lake of Bays, to cover the additional processing costs.
- (b) The deeming by-law shall be registered on title by the Township Solicitor, at the expense of the applicant, prior to the registration of the by-law and transfer of lands.
- (c) Applications for deeming by-laws and Development Permits are processed by the Township Planning department.
- 2.13 Original Shore Road Allowance Closure Applications are available on the Township website and upon request from the Clerk’s department.
- 2.14 Where application is made to exchange road allowance for shore road allowance the following shall apply subject to preliminary approval by Council:
 - (a) The applicant shall pay the difference between the current cost of the road allowance and the current purchase price of the original shore road allowances based on the municipal fee schedule for sale of shore road allowances; and
 - (b) Where the road allowance is of greater value than the original shore road allowance due to land mass, then the Township shall exercise the right to do an equal exchange of land for land at the lower of the two values.
- 2.15 The required by-law will not be given final approval until the **realty taxes** on the applicant’s property are current.

3 POLICY:

- 3.01 Application is submitted to the Clerk’s Department accompanied by:
 - (a) Application fee of \$400.00;
 - (b) Seasonal (summer) pictures of current shoreline vegetation, where applicable;
 - (c) Approval from the adjoining landowner(s) concerning the location of the extension of the side lot line will be submitted in the following manner:
 - (i) Signed and witnessed Lot Line Extension Authorization form; and
 - (ii) A sketch or survey “initialed” or “signed” by the adjoining property owner(s) which clearly shows the proposed lot line, applicant’s property and the adjoining property.
- 3.02 Application is circulated to the Planning Department, Public Works and Building Department for comment.

- 3.03 Applications may be granted subject to conditions, i.e. a deeming by-law or development permit may be required and if so, are processed by the Planning Department.
- 3.04 Staff will determine the extent of the shoreline buffer that is present on the pertinent property in accordance with the provisions of the Township of Lake of Bays Official Plan and the Development Permit By-law 04-180. If the application does not meet the intent of the Township of Lake of Bays Official Plan, staff shall require the reestablishment of a shoreline vegetative buffer, through the issuance of a Development Permit as a condition of sale.
- 3.05 A report is forwarded to Council only for one or all of the following reasons:
- (a) Approval from the adjoining landowners concerning the location of the extension of the side lot line is not submitted and/or there is a dispute regarding the location.
 - (b) Adjoining landowner is the Township of Lake of Bays (i.e. road allowance)
 - (c) The applicant disagrees with the requirement of a development permit and/or deeming by-law.
 - (d) Due to unusual circumstances, staff recommends a condition and Council's concurrence is required.
- 3.06 Once preliminary approval is granted a letter of instruction from the Township will be forwarded by the Clerk's department to the applicant and copied to the Township Solicitor along with the necessary documents. The applicant is responsible for obtaining the required reference plan. If the Township does not receive the registered reference plan within one year the file will be considered closed and a new application and application fee will be required.
- 3.07 The Township Solicitor upon receiving the letter of instruction from the Township will proceed as follows:
- (a) Contact the applicant in writing, requesting the name of their surveyor and establish costs relating to legal and purchase price of land;
 - (b) The Township Solicitor shall request three (3) copies of the reference plan, and forward one (1) copy of said survey to the Township within one (1) year from the date of the preliminary approval;
 - (c) Perform sub-search of title to confirm that the applicant is the owner of the property abutting the subject road closing;
 - (d) Provide notice of application to the following:
 - (i) District Municipality of Muskoka, if applicable;
 - (ii) Ontario Hydro (Markham);
 - (iii) Bell Canada (Huntsville);
 - (iv) Public Works Canada
 - (e)
 - (i) If no objection is received from the above-mentioned (3.07 (e)(i) to (iv)) agencies the Township Solicitor shall request from the Clerk's department a public meeting date.
 - (ii) A public notice will be prepared by the Township Solicitor and advertised in the Weekender newspaper for two (2) consecutive weeks.
 - (iii) The Township Solicitor shall submit the public notice to the Clerk's department via e-mail to be posted on the Township website for two (2) consecutive weeks, prior to consideration of the resolution to declare the land surplus or the conveyance by-law by Council.

- (f) The by-law, together with all required affidavits and exhibits, is prepared and submitted to the Township for consideration. The resolution declaring the land surplus and the by-law are then passed concurrently in that order by Council at the scheduled public meeting.
- (g) Prior to the passing of the above-noted (3.07 (g)) resolution and by-law, Council is required to give consideration to written comments that may be provided to the Clerk of the Municipality.
- (h) The name of the transferee and manner in which title is taken to the road allowance shall be identical to the registered ownership of the lands to which it is being added.
- (i) The Clerk's department will forward the resolution and executed by-law(s) to the Township Solicitor for preparation of the required documents for registration.
- (j) The Township Solicitor will then:
 - (i) Request footage fee payment from the applicant for compensation payable to the Municipality, including G.S.T.;
 - (ii) Prepare the Document General, Transfer/Deed of Land and Land Transfer Tax Affidavit;
 - (iii) Obtain the Clerk's signature on the Certificate of Compliance from the Municipality;
 - (iv) Register the Transfer/Deed of Land, Document General with By-law within six months of the execution date of the by-law;
 - (v) Forward applicable fees and registered documents the Township
 - (vi) Forward appropriate documents to the applicant.

3.08 A shore road allowance closing application will be considered **expired** if it has been inactive for a period of **two years**.

3.09 Any road closing for which a Certificate of Compliance has been issued by the Clerk is deemed to comply with this policy.

4. ADMINISTRATION:

4.01 Staff and the Township Solicitor who are responsible for processing applications for closing the original road allowances shall follow this policy.

5. ATTACHMENTS

- 5.01 **Attachment A – Application for Closing the Original Shore Road Allowances**
- Attachment B – Lot Line Extension Authorization**
- Attachment C – Lake and River Categories**
- Attachment D – Circulation List**

Dated: March 28, 2006

CIRCULATION LIST

CIRCULATION LIST

To Government Offices & Agencies reporting on the closing of Original Lakeshore Road Allowances:

Regional Manager
Real Estate Services
Public Works Canada
Ontario Region
4900 Yonge St.
Willowdale, ON
M2N 6A6

Hydro One Networks Inc. (include copy of survey)
Attn: Ms. Cathy Ballah
Real Estate Services
Land Use Planning
P.O. Box 4300
Markham, ON
L3R 5Z5

Bell Canada
Huntsville Engineering Branch
Attn: Mr. Kevin Cotterchio
9 High Street
Huntsville, ON
P1H 1P2

District Municipality of Muskoka
Attn: Clerk's Department
70 Pine Street
Bracebridge, ON
P1L 1N3

**Township of Lake of Bays
Lake Categories**

SCHEDULE "A" – LARGE LAKES (350 ha.) (\$0.90)			
Ward	Lake	Subwatershed	Area (ha)
Franklin	Lake of Bays (part)	Lake of Bays	Total: 6674
	Peninsula	Peninsula Lake	666
Ridout	Lake of Bays (part)		
McLean	Lake of Bays (part)		

SCHEDULE "B" – MEDIUM LAKES (70 – 350 ha.) (\$0.60)			
Ward	Lake	Subwatershed	Area (ha)
Franklin	Fifteen Mile	Lake of Bays	81
	Sixteen Mile	Lake of Bays	80
Sinclair	Bella & Rebecca	Big East River	345
	Camp	Big East River	200
	Dotty	Oxtongue River	160
	Foote (part)	Big East River	125
	Marion	Big East River	83
	Oxbow	Oxtongue River	170
	Solitaire	Big East River	122
	Tasso	Big East River	183
	Walker	Peninsula Lake	70
Ridout	Grandview (part)	S. Muskoka River	74
	Ril	S. Muskoka River	144
	St. Mary/Paint	Lake of Bays	159
McLean	Dickie	S. Muskoka River	91
	Echo	S. Muskoka River	223
	Grandview (part)	S. Muskoka River	74
	Menominee (part)	Lake of Bays	88

**Township of Lake of Bays
Lake Categories**

SCHEDULE "C" – SMALL LAKES (7 - 69 ha.) (\$0.30)			
Ward	Lake	Subwatershed	Area (ha)
Franklin	Burns	Lake of Bays	14
	Cooper	Lake of Bays	27
	Cotter	Lake of Bays	8
	Fitzell	Lake of Bays	9
	Gosling	Lake of Bays	19
	Seventeen Mile	Lake of Bays	9
Sinclair	Benson	Big East River	35
	Big Hoover	Oxtongue River	9
	Brooks	Oxtongue River	17
	Buck	Lake of Bays	41
	Crotch	Lake of Bays	11
	Doughnut	Big East River	13
	Eastell	Lake of Bays	12
	Flossie	Big East River	25
	Fowler	Lake of Bays	8
	Greenish	Big East River	10
	Hardup	Lake of Bays	22
	Heck	Big East River	30
	Helve	Lake of Bays	20
	Jerry	Peninsula Lake	52
	Lassetter	Peninsula Lake	9
	Lee	Lake of Bays	22
	Little Clear	Big East River	10
	Little Pell	Lake of Bays	9
	Loon	Big East River	32
	Lower Raft	Big East River	20
	Mansell	Big East River	13
	Martencamp	Oxtongue River	13
	Nelson	Big East River	35
	North Dotty	Oxtongue River	28
	Peeler	Lake of Bays	9
	Pell	Lake of Bays	37
	Samlet	Oxtongue River	22
	Seventeen Mile (part)	Big East River	10
	Sly	Big East River	10
	South Nelson	Oxtongue River	15
	South Tasso	Big East River	20
	Spaniel	Lake of Bays	11
Surprise	Big East River	25	
Toad	Big East River	35	
Upper Oxbow	Oxtongue River	18	
Upper Raft	Big East River	30	
Verner	Big East River	20	
Ridout	Black	Black River	61
	Black	South Muskoka River	14
	Blue Chalk	Black River	50

**Township of Lake of Bays
Lake Categories**

SCHEDULE "C" – SMALL LAKES (7 - 69 ha.) cont'd. (\$0.30)				
Ward	Lake	Subwatershed	Area (ha)	
Ridout	Campstool	Black River	15	
	Carcass	Black River	19	
	Cream	Black River	17	
	Chub	South Muskoka River	34	
	Circular	Black River	21	
	Dan	Gull River	18	
	Goodman	South Muskoka River	18	
	Grindstone	Black River	32	
	Grouse	Black River	10	
	Horse	Black River	13	
	Insula	Black River	17	
	Jill	Black River	10	
	Little Margaret	Black River	22	
	Longline	Lake of Bays	27	
	Margaret	Gull River	57	
	McEwen	Gull River	24	
	Mink	Lake of Bays	37	
	Mug	Black River	10	
	Pairo (Twin) 1	Black River	12	
	Pairo 2	Black River	16	
	Porcupine	Black River	56	
	Raven (part)	Black River	37	
	Red Chalk	Black River	57	
	Ridout	Black River	50	
	Roundabout	Lake of Bays	10	
	Shoe	Black River	40	
	Splatter	South Muskoka River	13	
	Teapot	Black River	34	
	Three Island	Black River	23	
	Tom	Lake of Bays	19	
	Wildcat	South Muskoka River	17	
	Wolfkin	Lake of Bays	19	
	McLean	Angel	North Muskoka River	14
		Axle	Lake of Bays	20
Big Stephen		North Muskoka River	39	
Dunn (part)		Lake of Bays	26	
Heeney		South Muskoka River	21	
Lower Schufelt		Lake of Bays	12	
Martin		South Muskoka River	53	
Moot		South Muskoka River	48	
Sage		North Muskoka River	27	
Schufelt		Lake of Bays	10	
Shapter		Lake of Bays	20	
Tackaberry		South Muskoka River	11	
Tooke		Lake of Bays	32	
Whitehouse		South Muskoka River	12	

Township of Lake of Bays
River Categories

SCHEDULE "D" - RIVERS	
River	Area (ha.)
Gull	Indeterminate
Black	Indeterminate
Oxtongue	61
Muskoka	145
Big East	207