



THE CORPORATION OF THE TOWNSHIP OF LAKE OF BAYS
APPLICATION FOR CLOSING ORIGINAL 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 Road Allowance *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 \$550.00; and
- b) Seasonal (summer) pictures of road allowance.
- c) A survey map of the property.

Yours truly,

Name of Solicitor:

Signature

Address:

Signature

Phone: _____



APPLICATION FOR CLOSING ORIGINAL ROAD ALLOWANCE

AUTHORIZATION TO PURCHASE

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 Road Allowance lying adjacent to his/her property.

Dated this _____ day of _____, 20__.

Witness

Neighbour



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AUTHORIZATION TO PURCHASE

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 Road Allowance lying adjacent to his/her property.

Dated this _____ day of _____, 20__.

Witness

Neighbour

ORIGINAL ROAD ALLOWANCE CLOSURE PROCEDURES

1 PURPOSE:

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

2 GENERAL PROVISIONS:

- 2.01 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;
 - 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 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.
- 2.04 The purchase of the portion of the original road allowance is calculated at \$0.50 per square foot based on the current municipal fee schedule for sale of road allowances; i.e. the closure of a 150 foot road allowance by 66 feet would cost \$4,950 plus H.S.T. in footage fees. (This does not include survey, advertising, legal or other applicable costs).
- 2.05 The Township Solicitor will register the road closing by-law and transfer of land documents on title.
- 2.06 All legal fees are determined by the Township Solicitor and payable to the Township Solicitor at the time of invoicing.
- 2.07 A road closing application will be considered **expired** if it has been inactive for a period of **two years**.
- 2.08 Applications are available on the Township website and upon request from the Clerk's department.
- 2.09 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.
- 2.10 Although the new *Municipal Act*, S.O. 2001 c25 no longer requires that thirty-three (33) feet of a road allowance that is being closed, be first offered to the adjacent owner(s), the Township wishes to continue the practice of notifying the adjacent owner.

2.11 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 \$550.00;
- (b) Seasonal (summer) pictures of road allowance; and
- (c) A survey map of the property.

3.02 Application is circulated to the Planning Department, Public Works and Building Department for comments.

3.03 Once circulations are received by the Clerk's department a report will be prepared, including comments from the various departments, with respect to the road closing for Council's preliminary approval.

3.04 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.

3.05 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, advertising 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 within 40 days from the above-mentioned (3.05 (e)(i) to (iv)) agencies the Township Solicitor shall request from the Clerk's department a public meeting date
 - (ii) The Township Solicitor shall prepare and submit the public notice to the Clerk's department via e-mail to be posted on the Township website for two (2) consecutive weeks and advertise into the township's notice board, 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 (3.05 (g)) resolution and by-law, Council is required to give anyone requesting a hearing on this matter the opportunity to speak.
- (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 and advertising 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 a 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; and
 - (v) Forward applicable fees and registered documents the Township
 - (vi) Forward appropriate documents to the applicant.

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

3.07 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 – Authorization to Purchase**
- Attachment B – Circulation List**

CIRCULATION LIST

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To Government Offices & Agencies reporting on the closing of Original 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

