

THE TOWNSHIP OF THE ARCHIPELAGO

SHORE ROAD ALLOWANCE CLOSURE AND CONVEYANCE ADMINISTRATIVE POLICY

1. The Township will encourage applications for the closure and conveyance of original shore road allowances to abutting landowners, except where the shore road allowance is required for public access, travel, environmental protection or portage purposes.
2. It may be necessary, however, to retain shore road allowances in Skerryvore as public access to Georgian Bay or to obtain an easement over shore road allowances prior to the road being closed and sold.
3. The shore road closure procedure commences when the land owner submits a formal application requesting closure of the road allowance. Pre-consultation with the land owner on process, requirements, fees, etc. is advised.
4. Applications for closure of an unopened shore road allowance will not be approved if it is deemed to have a negative impact on neighbouring owners of land; to result in other land owners being deprived of access to their property; or if the closure will result in conflicts with the Township's Official Plan policies, By-law regulations or procedures.
5. Applications for closure of shoreline road allowances will not be supported if the shoreline is identified as Type I Fish Habitat or is zoned Environmentally Sensitive (ES) within the Comprehensive Zoning By-law.
6. The Township will only convey to the adjacent landowner the original 66 foot shore road allowance or any part of the shore road allowance not covered by water, notwithstanding that the location of the waters edge at any given time may extend beyond the outer limit of the original shore road allowance laid out by the original surveyor of the Township.
7. Only the portion of the shore road allowance above the controlled or normal high water mark is to be sold to the abutting owner with the balance, if any, being retained by the municipality.
8. All applicants must obtain approval from adjacent property owners, including the Ministry of Natural Resources (the Crown), with respect to the application and the proposed lot line extensions, as detailed in the application form. **Should the applicant experience problems in acquiring consent from abutting property owners, Council may mediate the situation in accordance with the attached "Mediation Policy and Procedure". Council will not mediate a request if the abutting property owner is the Crown who has refused support of the request.**
9. In the event that an applicant fails to pay the municipal solicitor for the legal costs incurred, all outstanding costs will be collected in a like manner as taxes, and title to the unopened municipal shore road allowance will not be transferred to the applicant until the account has been paid in full, including interest.
10. Generally the portion of shore road allowance to be closed and conveyed will be determined by straight-line extensions of existing lot lines. Because of the irregular nature of the shoreline, deviations from straight-line extension of existing lot lines may be considered. Applicants will be encouraged to establish extension of lot lines by mutual agreement with abutting property owners.

THE TOWNSHIP OF THE ARCHIPELAGO
SHORE ROAD ALLOWANCE CLOSURE AND CONVEYANCE
APPLICATION INFORMATION AND PROCEDURES

Preamble:

Within its territorial jurisdiction, the Township owns all original shore road allowances (excluding Crown Reserves) which have not yet been stopped up and conveyed. Provincial legislation allows municipalities to sell such shore road allowance parcels to the abutting landowner, excepting any portions of the allowance which are covered by water.

All applications to purchase shore road allowance must be accompanied by written consent of abutting property owners at two stages (the standard form to be submitted with the application is attached). **Should applicants experience problems in acquiring consent of abutting land owners to the proposed dividing lines, Council may mediate the situation in accordance with the attached "Mediation Policy and Procedure".**

The fees and refund policy for shore road allowance applications is outlined on the attached "Fees and Refund" schedule. All monies are required at the time of submission of the application. The purchaser is responsible for paying all legal, surveying and administrative costs.

Group applications to purchase the shore road allowance will require the appointment of a group leader who will be responsible for:

- a) ensuring applications are complete prior to submission to the Township office;
- b) receiving correspondence from the Township in connection with the purchase; and,
- c) obtaining required documentation and consents from the members of the group and abutting landowners and forwarding same to the Township office.

Only the group leader will deal with the Township. Group members must be aware of the group leader's name and will direct enquiries to the leader and not to the Township. Group applicants should understand that if any member of the group sells his property or becomes deceased, the group application may be delayed until the new title to the subject property is established. There is a maximum number of 10 applicants per group and applications must be submitted altogether.

Procedures:

1. The applicant(s) must obtain "Preliminary Consent" of his neighbours with signatures by the neighbours on the attached "Preliminary Consent" form. This includes the approval of abutting land owners who may or may not be participating in the purchase of a portion of municipal shore road allowance at the time. If the abutting landowner on one or both sides is the Ministry of Natural Resources (the Crown), the applicant must contact the Ministry to obtain its written consent.
2. The applicant must complete the application form and submit it to the Township together with the "Preliminary Consent" forms and payment in the amount of \$567.00. An additional payment will be required for each part or land portion to be purchased. If an applicant owns abutting lots which are separately conveyable, then the applicant must submit a separate application and associative fee for each portion of shore road allowance proposed to be purchased and added to each separately conveyable parcel of land.
3. Should Council deny the request to purchase the shore road allowance, the \$500.00 application fee plus HST is non-refundable. If the applicant withdraws the application prior to Council making a decision, \$565.00 (application fee plus HST) and \$2.00 for the cost of the land will be refunded to the applicant.
4. Generally, the portion of shore road allowance to be closed and conveyed will be determined by straight-line extension of existing lot lines. Because of the irregular nature of the shoreline, deviations from the straight-line extension of existing lot lines will be considered. Applicants will be encouraged to establish extension of lot lines by mutual agreement with abutting property owners.
5. A legible plan must be attached to the application form which clearly demonstrates the boundaries of the applicant's lot, neighbouring properties and the proposed projection of the lot lines to the water's edge. An Ontario Land Surveyor's plan is NOT required at this stage.
6. Upon receipt of the completed application form and the required fee, Township staff will undertake a review of the request and prepare a report with recommendation to Council on the merits of the application.
7. Pursuant to the Planning Act, if the applicant's lot(s) was created by a registered Plan of Subdivision, the subject shore road allowance will not merge with the applicant's lot. Council's approval will be made subject to the applicant submitting an application to the Township, together with the required fee of \$500.00, to pass a by-law deeming the subject lot(s) not to be on a

registered plan of subdivision. The Township's solicitor will be engaged to register the by-law at the local Land Registry office, thereby permitting the shore road allowance to merge with the owner's lands.

DO NOT PROCEED WITH STEP NO. 8 UNTIL DIRECTED BY TOWNSHIP STAFF

8. Following Council's approval, staff will direct the applicant or group leader to engage an Ontario Land Surveyor to prepare a draft reference plan in accordance with Council's approval to close and convey the shore road allowance. The draft plan must not be deposited in the Registry Office prior to its approval by the Township.
9. If the draft plan indicates that Hydro One, Bell Canada and/or Public Works has equipment on the shore road allowance or an interest of some description in the area, the Township's solicitor will circulate the draft survey to these parties to enquire as to whether they require an easement over the subject shore road allowance. If an easement is required, it will be granted and the property owner's title will be subject to the easement.
10. Upon completion of the draft plan, the applicant must obtain, in the form provided, the required "Certificate of Confirmation" from abutting landowners to confirm agreement with the proposed lot lines as shown on the draft plan.
11. Once the applicant has obtained the necessary Certificates of Confirmation he/she or the group leader must send to the Township:
 - a) a copy of the draft reference plan; and,
 - b) the signed Certificates of Confirmation.
12. Upon receipt of the required "Certificates of Confirmation" and the draft reference plan, Township staff will review the plan and if it is in accordance with Council's approval, the applicant's surveyor will be directed to deposit the survey at the local Land Registry Office. The applicant will be provided with a copy of the Township's correspondence to the Ontario Land Surveyor. (If a Crown Strip does not exist, go to Step 14)
13. If the draft reference plan indicates that there is a strip of unpatented Crown land located between the subject municipal shore road allowance and the applicant's property, it is the applicant's responsibility to contact the Ministry of Natural Resources to initiate an application to purchase the Crown land. **Please note that the application to purchase the shore road allowance will not proceed until such time as the Crown land has been patented to the applicant, thereby making him/her the adjacent landowner to the portion of shore road allowance being purchased.**
14. Following receipt of the registered reference plan of survey, the Township will engage its solicitor to proceed with the application. The applicant shall be provided with a copy of the Township's correspondence to the solicitor.
15. If the subject lot(s) is on a registered plan of subdivision, as outlined in Section 7, the file will not be forwarded to the Township's solicitor until such time as the applicant has submitted to the Township, together with the required fee, the application to deem the lot(s) not to be on a registered plan of subdivision.
16. Upon receipt of the file, the solicitor will contact the applicant and request a deposit toward his legal fees, to be paid to him directly. The solicitor will not proceed with processing the application until receipt of the required deposit. (The Township requires that the solicitor act on its behalf in the closure and sale of Township road allowances. The legal fees and disbursements are to be charged directly to the applicant.)
17. As a step in the legal processing of the file, pursuant to Provincial Statute, Council must pass a by-law to declare the land to be surplus and must give notice to the public of the proposed sale and the proposed by-law prior to its passage. Notice will be given in accordance with Council's By-law No. 03-11. If the subject lot(s) is on a registered plan of subdivision, as outlined in Section 7, Council will also pass a by-law to deem the lot(s) not to be on a registered plan of subdivision and will engage the solicitor to register the by-law at the local Land Registry Office.
18. Following completion of the solicitor's work and receipt of final payment by the applicant, the solicitor will register a Transfer/Deed to convey the subject municipal shore road allowance to the applicant.
19. The entire procedure will take approximately 12 to 18 months to complete. However, the applicant cannot be given any guarantees as to the time frame that will be required to process individual applications. In particular, if the Ontario Land Surveyor ascertains that a Crown strip exists, or if Hydro One and/or Bell Canada require an easement, the procedure may be lengthened considerably.

TOWNSHIP OF THE ARCHIPELAGO

SHORE ROAD ALLOWANCE CLOSURE AND CONVEYANCE MEDIATION POLICY AND PROCEDURE

Policy for Mediation:

1. If applicants are not able to gain support from their abutting neighbour(s) and obtain the neighbour's signatures on the "Preliminary Consent Form", the applicant may request Council to act as mediator in the dispute resolution process.
2. Applicants are encouraged to attempt to resolve disputes over shoreline road allowance lot lines with neighbours before making application to purchase their shoreline road allowance.
3. Council will attempt to mediate and resolve the issues between the neighbours associated with the shoreline road allowance by directing that the application proceed with the following "Procedure for Mediation".

Procedure for Mediation:

1. The applicant shall make a request for mediation by Council with the submission of a letter to Council and the mediation fee (\$500.00 + HST) as set out in the attached "Fees and Refund" schedule. The letter shall provide preliminary details of the application, the nature of the dispute with the adjacent property owner(s) as well as outline a potential resolution to the dispute.
2. Township staff will review the letter of request for mediation and supporting information submitted by the applicant.
3. Council will consider the request for mediation and background information to determine if mediation is appropriate and feasible and will make such a decision known to the applicant and adjacent land owners.
4. If Council determines that mediation is feasible, the following process will occur:
 - a) Township staff will establish a timeframe and significant dates for the mediation process.
 - b) Township staff will write a letter to the abutting property owner(s) to request a description of the nature of the dispute. In this letter, staff will clearly outline and define the mediation process and will indicate significant time frames. Staff will also request that the neighbours identify any potential resolution to the conflict and the potential solution to be considered.
 - c) Township staff will write a letter to the applicant identifying significant dates. The applicant will have submitted a potential resolution with the submission of the mediation request.
 - d) Staff will undertake a site inspection of the subject lands and adjacent properties.
 - e) The abutting property owner(s) will be given one month to respond to the staff letter requesting information and to explain their position and potential solutions. If the abutting property owner(s) does not submit an acceptable letter of resolution or contact the Township, a second attempt will be made to contact the neighbour(s), giving them an additional month to respond to Council's request for a resolution.
 - f) At the end of the two-month time frame, Council will proceed with a mediation meeting.
 - g) The applicant requesting the mediation and the adjacent neighbour will both be invited to the mediation meeting. Each party will be given an opportunity to present their positions to Council at the mediation meeting.
 - h) Township staff will prepare a report to Council that will contain background information, possible conflict solutions and detailed options for Council's consideration on resolving the shoreline closure. The report will be presented to Council for their consideration during the open mediation meeting.
 - i) Council will make a decision on the closure of the shoreline road allowance based on the staff report, the neighbour's submission/presentation and the applicant's submission/presentation at the mediation meeting.
 - j) A written response indicating Council's decision will be circulated to the applicant and to the neighbour.
5. Should Council grant permission to close portions of the shore road allowance, staff will proceed with the application as per standard procedure.



9 James Street
 Parry Sound, Ontario
 P2A 1T4
 Phone: 705-746-4243
 Fax: 705-746-7301
 web: www.thearchipelago.on.ca

APPLICATION TO CLOSE AND CONVEY MUNICIPAL SHORE ROAD ALLOWANCE

(Rev. 12/17/2015)

OFFICE USE ONLY

Date Received _____ Complete Application Yes No Application No. _____
 Date Accepted _____ Applicable Fee Paid Yes No

Personal information contained on this form is collected pursuant to Section 28 of the Municipal Act, 2001, S.O. 2001, c. 25 and will be used for the purpose of considering your application. Questions about this collection of personal information should be directed to the Clerk of the Corporation of the Township of The Archipelago.

1. Applicant / Agent Information

Name of Applicant / Agent

Address

City _____ Province / State _____ Postal / Zip Code _____

Home Phone No. _____ Business Phone No. _____ email _____

2. Owner(s) Information (Please provide a copy of the Transfer/Deed of Land)

Name of Owner(s) _____ Date of Birth (day/month/year) _____ Marital Status _____

Address

City _____ Province / State _____ Postal / Zip Code _____

Home Phone No. _____ Business Phone No. _____ email _____

Please advise to whom all communications should be sent. Owner Applicant / Agent

3. Location and Description of the Subject Land (Please provide a copy of the Transfer/Deed of Land)

Property Civic Address: _____

Assessment Roll Number 4905- _____ Lot _____ Concession _____ Island No. _____

Registered Plan of Subdivision No. (if any) Plan M - _____ Lot No. _____

Reference Plan No. (if any) Plan No. 42R - _____ Part No. _____

Parcel No. _____ Other Description _____

Please forward a legible plan which clearly demonstrates the boundaries of the owner(s)' lot, neighbouring properties and the proposed projection of the lot lines to the waters' edge. Structure locations must be shown. Please note that an Ontario Land Surveyor's plan is not required at this stage.

4. Are there any mortgages against this property? YES NO

If so, please provide the name and address of the mortgage holder.

5. Declaration of Owner(s)/Agent

I/We acknowledge that I/We have read the Administrative Policy and Information and Procedures provided with this application form and hereby submit the Application to close and convey a portion of the shore road allowance fronting the above noted property, together with payment in the amount of \$502.00, for consideration of this application by Council.

I/We agree that prior to the transfer of the shore road allowance, I/we shall pay in full to the Township's solicitor any outstanding balance resulting from this application.

I/We understand that if all outstanding costs resulting from this application are not paid, such will be collected in a like manner as taxes, and title to the shore road allowance will not be transferred until the account has been paid in full, including interest.

The information contained in this application is true to the best of my knowledge.

I have the authority to bind the corporation or partnership (if applicable).

Date _____ Signature of Agent _____
(if applicable)

Date _____ Signature of Owner _____

6. Consent of the Owner(s) to the Use and Disclosure of Personal Information

All registered owners of the subject property must provide their consent concerning the disclosure of personal information, as set out below.

I/We, _____, am/are the owner(s) of the land that is the subject of this application and for the purposes of the *Freedom of Information and Protection of Privacy Act*, I/we authorize and consent to the use by or the disclosure to any person or public body of any personal information that is collected under the authority of the Municipal Act for the purposes of processing this application.

Date _____ Signature of Owner _____

7. Authorization of Owner(s) for Agent to Make the Application

If the applicant is not the owner of the land that is the subject of this application, authorization for the agent to make this application and to provide personal information, as set out below, must be given. Alternatively, written authorization can be provided on a separate form and submitted with this application. Authorization must be provided by all registered owners of the subject property.

I/We, _____, am/are the owner(s) of the land that is the subject of this application and I/we authorize _____ to:

- 1) Make this application on my/our behalf; and,
- 2) For the purposes of the *Freedom of Information and Protection of Privacy Act*, to provide any of my/our personal information that will be included in this application or collected during the process of the application.

Date _____ Signature of Owner _____

PRELIMINARY CONSENT FORM

TO: The Township of The Archipelago
9 James Street
Parry Sound, Ontario
P2A 1T4

RE: Shore Road Allowance to be purchased by: (Name of Owner(s))

who owns the property located at _____ (civic address)
designated as Part/Lot _____ on Reference Plan/Subdivision Plan
_____ located in part of Lot _____ in Concession _____, in the
geographic Township of _____, now in the Township of The
Archipelago.

Dear Sirs:

I/We own the property described below and have no objection to the Township of The Archipelago selling the original shore road allowance fronting the above noted abutting property to the said applicant.

I/We are the registered owners of _____ (civic address)
designated as Part/Lot _____ on Reference Plan/Subdivision Plan _____
located in part of Lot _____ in Concession _____, in the geographic Township of
_____, now in the Township of The Archipelago.

Date _____ Signature of Owner _____

(Please print names below signatures)

PRELIMINARY CONSENT FORM

TO: The Township of The Archipelago
9 James Street
Parry Sound, Ontario
P2A 1T4

RE: Shore Road Allowance to be purchased by: (Name of Owner(s))

who owns the property located at _____ (civic address)
designated as Part/Lot _____ on Reference Plan/Subdivision Plan
_____ located in part of Lot _____ in Concession _____, in the
geographic Township of _____, now in the Township of The
Archipelago.

Dear Sirs:

I/We own the property described below and have no objection to the Township of The Archipelago selling the original shore road allowance fronting the above noted abutting property to the said applicant.

I/We are the registered owners of _____ (civic address)
designated as Part/Lot _____ on Reference Plan/Subdivision Plan _____
located in part of Lot _____ in Concession _____, in the geographic Township of
_____, now in the Township of The Archipelago.

Date _____ Signature of Owner _____

(Please print names below signatures)

CERTIFICATE OF CONFIRMATION

TO: The Township of The Archipelago
9 James Street
Parry Sound, Ontario
P2A 1T4

RE: Shore Road Allowance to be purchased by: (Name of Owner(s))

who owns the property located at _____ (civic address)
designated as Part/Lot _____ on Reference Plan/Subdivision Plan
_____ located in part of Lot _____ in Concession _____, in the
geographic Township of _____, now in the Township of The
Archipelago.

Dear Sirs:

This certificate hereby confirms that:

I/We are the registered owners of who owns the property located at
_____ (civic address) designated as Part/Lot _____ on
Reference Plan/Subdivision Plan _____ located in part of Lot _____ in
Concession _____, in the geographic Township of _____, now in the
Township of The Archipelago.

1. I/We have seen the draft survey of the proposed 42R-plan prepared by
_____ and dated the _____ day of
_____ 20____.
2. I/We agree with the location of the projected lot lines to the high water mark.
3. I/We have no objection to the proposed conveyance in accordance with this survey.

Date _____ Signature of Owner _____

(Please print names below signatures)

CERTIFICATE OF CONFIRMATION

TO: The Township of The Archipelago
9 James Street
Parry Sound, Ontario
P2A 1T4

RE: Shore Road Allowance to be purchased by: (Name of Owner(s))

who owns the property located at _____ (civic address)
designated as Part/Lot _____ on Reference Plan/Subdivision Plan
_____ located in part of Lot _____ in Concession _____, in the
geographic Township of _____, now in the Township of The
Archipelago.

Dear Sirs:

This certificate hereby confirms that:

I/We are the registered owners of who owns the property located at
_____ (civic address) designated as Part/Lot _____ on
Reference Plan/Subdivision Plan _____ located in part of Lot _____ in
Concession _____, in the geographic Township of _____, now in the
Township of The Archipelago.

1. I/We have seen the draft survey of the proposed 42R-plan prepared by
_____ and dated the _____ day of
_____ 20____.
2. I/We agree with the location of the projected lot lines to the high water mark.
3. I/We have no objection to the proposed conveyance in accordance with this survey.

Date _____ Signature of Owner _____

(Please print names below signatures)

Fees and Refunds

1. The fees payable for the closure and conveyance of an unopened municipal shore road allowance are as follows:

Cost of Land	\$ 2.00
Application Fee	500.00
HST	<u>65.00</u>
Total to be submitted for each parcel of land:	\$ <u>567.00</u>

Cheques are payable to '*The Township of The Archipelago*'.

2. Mediation Fee (\$500 + HST) \$ 565.00
3. If the applicant withdraws the application prior to it being considered by Council, the \$565.00 (application fee and HST) and the \$2.00 paid for the cost of the land will be refunded to the applicant.
4. Should Council deny the request to purchase the shore road allowance, the \$565.00 application fee and applicable HST is non-refundable.
5. All other fees associated with the shore road allowance purchase (legal fees, registration fees, surveying costs, etc.) are the sole responsibility of the applicant.