



## **THE CORPORATION OF THE TOWN OF HUNTSVILLE**

### **POLICY & PROCEDURE FOR CLOSING ROAD AND SHORE ROAD ALLOWANCES**

The Council of the Corporation of the Town of Huntsville will consider application for the closure and conveyance of all types of road allowances within the Town to abutting property owners upon receiving written approval from the Town of Huntsville Building, Planning and Public Infrastructure Departments. All closures are at the discretion of the Town of Huntsville.

#### **1.0 ORIGINAL SHORE ROAD ALLOWANCES** (along water bodies)

- 1.1 (a) Generally, the portion of shore road allowance to be closed and conveyed will be determined by straight extension of existing lot lines.
- (b) Notwithstanding 1.1(a) above, Council will consider deviations from the straight extension of existing lot lines in some circumstances. The decision will be based on comments from the Municipal Surveyor. A signed Lot Line Extension Authorization Form from the abutting property owners is required when the application is submitted.
- (c) Portions of the original shore road allowance covered by water, if any, will remain in Town ownership.
- (d) Applications will not be approved if other owners of land are, or may be deprived of access to their property or if the closure conflicts with Town By-laws or practices.
- (e) Application for closure of portions of the shore road allowance in front of one property will not be considered.
- (f) The Town will consider only closures of original shore road allowances fronting on all of the applicant's property and bounded on both sides by the straight lot line extensions of the Applicant's lands.
- (g) Shore road allowances will not be closed when it abuts or provides access to significant fish spawning areas, wildlife habitat, or other environmentally significant features or contains significant historical, cultural, or recreational features.
- (h) Final approval of the required By-law will not be given until the realty taxes on the Applicant's property are paid in full.

**2.0 ORIGINAL ROAD ALLOWANCE PROCEDURES**

- 2.1 (a) When considering an application for the closing and conveying of a portion of an original road allowance, Council will take into consideration its proximity to open municipally maintained roads.
- (b) Agreements may be entered into between the applicant and the Town to exchange land for road allowances provided the applicant pays all costs involved.
- (c) The Town will not close road allowances or portions thereof if they abut the original shore road allowance or lead to water.
- (d) In special circumstances, such as a road allowance crossing a peninsula with water on both sides, or an island where the road allowance has no present or foreseeable future Municipal use, Council may agree to close and convey road allowances leading to the original shore road allowance or water.
- (e) Applications will not be approved if other owners of land are, or may be deprived of access to their property or if the closure conflicts with Town by-laws or procedures.
- (f) Road allowances will not be closed when it abuts or provides access to significant fish spawning areas, wildlife habitat or other environmentally significant features as identified by the Ministry of Natural Resources, or contains significant historical, cultural, or recreational features.
- (g) A signed Letter of Agreement from the abutting property owners is required when the application is submitted.
- (h) Final approval of the required By-law will not be given until the realty taxes on the Applicant's property are paid in full.

**3.0** Proceeds from the sale of road or original shore road allowances will be deposited in a special Parks Reserve Fund Account.

**4.0** A numbered reference plan showing the subject road allowance as part numbers is required in order to finalize the purchase. The Applicant is required to pay for such plan, prepared by an Ontario Land Surveyor, who will be required to provide a calculation of the square metre content of the area to be closed and sold.

**5.0 Planning Requirements**

5.1 The lands being purchased are to join in title to the lands to which they are being added.

5.2 Existing Lots of Record

- (a) Existing lots of record are lots that were created before the passage of the comprehensive zoning by-law. Normally, these lots can still be developed provided they have 29 metres of frontage and 1350 square metres of area.

- (b) When a road allowance is closed and merged with an abutting lot, the lot is no longer an existing lot of record because its dimensions or shape has changed after the passage of the original parent by-law.
- (c) Newly created non-serviced waterfront lots generally require a minimum of 60 metres of frontage and one hectare in area. By-law No. 2008-66P, however, states that where a lot addition is made to an existing lot of record, the lot is deemed to comply with the minimum lot frontage and lot area requirements.
- (d) Where an existing lot has less than 20 metres of frontage or 1350 square metres area and a road allowance is added to it, a zoning amendment is required if the land owner wishes to have the lot recognized as a legal building lot. These undersized lots did not previously have development rights conferred upon them as in the case of the existing lots of record.

5.3 Approval of the road/shore road allowance closure does not imply Municipal support of future applications that may be submitted for the subject lands.

**6.0 Road and Shore Road Allowance Closure Procedure**

6.1 The road closure procedure commences when inquiries are first received from property owners. The Town will provide the Applicant with a formal application form, advise as to the procedures to be followed, as well as information on the fees required.

6.2 The Applicant will include, when submitting the formal Application the following:

- (a) In writing, along with Application, the reason(s) for the said request to close the road / shore road allowance.
- (b) Application Fee – as per the current User Fee By-law.
- (c) A sketch plan of the road / shore road allowance being considered and the Applicant's property, on which any structures must be identified.
- (d) A location map.
- (e) For the closing of a shore road allowance, approval of the abutting property owners concerning the location of the extension of the side lot line is required in the following manner:
  - (i) Signed and witnessed Lot Line Extension Authorization Form; and
  - (ii) A sketch or survey "initialed" or "signed" by the abutting property owner(s) which clearly shows the Applicant's property and the adjoining property.
- (f) For the closing of a road allowance, approval from the abutting property owners is required in the following manner:
  - (i) Signed and witnessed Letter of Agreement to the closure and transfer of the road allowance.

- 6.3 Upon receipt of a completed application and the required fee, the Planning Department will forward all pertinent information to the Building and Public Infrastructure Departments for their comments (30 days are given for comments to be provided in writing). Once all comments have been received, a report will be prepared that will contain a recommendation for the consideration of Council to the merits of the closure based on the above. Upon receipt of the Application, a formal survey or reference plan is not required at this point in the procedure.
- 6.4 That all requests for road or shore road allowances closings be inspected on site by at least one (1) senior staff member.
- 6.5 All requests for road or shore road allowance closings made between November 1<sup>st</sup> and March 31<sup>st</sup> may be placed on hold until a proper site inspection can be made.
- 6.6 Council will consider the merits of the application and may recommend proceeding with the closure in whole or in part.
- 6.7 Upon the approval of Council, the Applicant will be advised that the closure and sale is to proceed.
- 6.8 If the application is rejected by Council, \$300.00 of the application fee will be refunded, when advice of such rejection is issued.
- 6.9 Should be Applicant decide to withdraw their Application following its initial approval by Council, the total Application Fee will be retained by the Town.
- 6.10 If Council approves the Application, the Applicant **must** retain a Solicitor and a Surveyor to proceed on their behalf in the closure and sale of the road or shore road allowance.
- 6.11 The Applicant's Solicitor **must**:
- (a) Sub-search title to confirm that the Applicant is the owner of the property abutting the subject road or shore road allowance.
  - (b) Serve notice of Application to the District Municipality of Muskoka.
  - (c) Secure the necessary approvals from all Agencies shown below and provide copies of approvals to the Planning Department:
    - i) Bell Canada
    - ii) Hydro One Real Estate
    - iii) Public Works & Government Services Canada
    - iv) Union Gas Limited
    - v) District Municipality of Muskoka
  - (d) Prepare Notice of the By-law, which is advertised in the Huntsville Forester, a local newspaper having general circulation in the area involved, for two (2) consecutive weeks. (The Notice must be approved by the Planning Department before advertising.)

- (e) Prepare the By-law and arranges for passage by Council and, if approved by Council, the By-law is forwarded to the Solicitor.
  - (f) Prepares the necessary Deeds and Transfers and registration of same.
  - (g) Before registration of the Transfer documents, submits the respective payment to the Town for the purchase of the road or shore road allowance.
  - (h) Provide registered copies of the transfer of title to the Town and the Applicant.
- 6.12 All legal fees associated with the sale are the responsibility of the Applicant, along with the initial application fee; preparation of the reference plan of survey; advertising costs and the cost for the purchase of the road or shore road allowance, including an appraisal if required.
- 6.13 A road or shore road allowance closing application will be considered **expired** if it has been inactive for a period of **two (2) years**.

**NOTE:**

The cost to purchase said road allowance is as per the current Town of Huntsville User Fee By-law. There will be a minimum of \$200.00 for the area to be purchased.

**7.0 Attachments**

- Attachment A - Application for closing a road or shore road allowance
- Attachment B - Lot Line Extension Authorization Form– Abutting property owners
- Attachment C - Letter of Agreement – Abutting property owners
- Attachment D - Agency Circulation List

**THE CORPORATION OF THE TOWN OF HUNTSVILLE**  
**ROAD / SHORE ROAD ALLOWANCE CLOSING APPLICATION**

NAME \_\_\_\_\_

MAILING ADDRESS \_\_\_\_\_ POSTAL CODE \_\_\_\_\_

PHONE # - HOME \_\_\_\_\_ EMAIL \_\_\_\_\_

**PROPERTY DESCRIPTION:** CIVIC ADDRESS: \_\_\_\_\_

ROLL # \_\_\_\_\_ WARD: \_\_\_\_\_ PLAN: \_\_\_\_\_

LOT(S): \_\_\_\_\_ CONCESSION: \_\_\_\_\_ PART(S): \_\_\_\_\_

- i) Was the land (e.g. lot, part) subject of this application in its current form prior to the year of 1974?  
Yes \_\_\_\_\_ No \_\_\_\_\_
- ii) Date of Construction of all buildings and structures on the subject lands:  
\_\_\_\_\_
- iii) Length of time the existing uses of the subject property have continued: (No of years, months)  
\_\_\_\_\_
- iv) Was the subject land ever part of a severance application, and if so, what is the application # \_\_\_\_\_
- v) Is the subject land a lot on a plan of subdivision, and if so, has the lot been deemed not to be a lot on a plan of subdivision by By-law # \_\_\_\_\_.

**I/WE** \_\_\_\_\_ being the registered owner(s) of the lands described above, hereby apply to have the original road / shore road allowance abutting said property closed and hereby make oath and say as follows:

1. **I / We** confirm that **I / We** have read and understand the contents of "The Corporation of the Town of Huntsville Road / Shore Allowance Closure Policy and Procedures" and agree to abide by the same.
2. **I / We** acknowledge that, if this application to the Municipality of the Town of Huntsville is accepted, **I / We** will be responsible for all legal and survey costs and other related expenses involved in the road closing, and will be obliged to pay to the Municipality the rate as per the current User Fee By-law for the property, as established by Council.
3. **I / We** confirm that there is not foot or vehicular traffic that passes through the road allowance to be closed, and that access to no other property will be denied by virtue of the said road closing.
4. **I / We** confirm that there are no easements, either verbal or written, registered or unregistered, that apply to the said road allowance to be closed and that there are no utility services such as hydro, telephone, etc. that run through the said road allowance to be closed.
5. **I / We** confirm that if any utility plant is found to be on the road allowance, the Solicitor must take the necessary steps to ensure that an easement is granted to the appropriate authority.
6. **I / We** acknowledge that any approval that may be given to this application by the Town of Huntsville is subject to all other approvals being obtained for all other statutory bodies, failing which this application cannot be approved.
7. **I / We** acknowledge that Municipal Staff and / or Members of Council for the Town of Huntsville may wish to visit this site for the purposes of reviewing this application and I / We have no objection to their attendance on the property for this reason.
8. **I / We** make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath and virtue of the Canada Evidence Act.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Signature

Submitted herewith is the following:

- i) Required Application Fee: As per the current User Fee By-law.
- ii) Letter with **reasons for applying** for the road / shore road allowance closure.
- iii) Sketch of subject lands showing location of buildings / structures, including docks, boathouses, pump houses, wells, septic, etc.
- iv) Location Map showing the property in relation to surrounding area.
- v) Completed Lot Line Extension Authorization Form from the abutting property owners for shore road allowance closures **or** Completed Letter of Agreement from the abutting property owners for road allowance closures.

*Personal information contained on this form is collected and will be used to determine eligibility of a Road / Shore Road Closing.*

**CORPORATION OF THE TOWN OF HUNTSVILLE**

**APPLICATION FOR CLOSING ORIGINAL SHORE ROAD ALLOWANCE  
LOT LINE EXTENSION AUTHORIZATION**

The Applicant, \_\_\_\_\_ is the Owner of Part of Lot \_\_\_\_, Con. \_\_\_\_  
, Ward \_\_\_\_\_ in the Town of Huntsville.

I, \_\_\_\_\_, Owner(s) of abutting lands described as Part  
of Lot \_\_\_\_, Con. \_\_\_\_\_, Ward \_\_\_\_\_ in the Town of Huntsville 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 and  
hereby agree to the proposed lot line extension as shown on the sketch/survey, appended  
hereto.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Abutting Property Owner

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Abutting Property Owner

**CORPORATION OF THE TOWN OF HUNTSVILLE**

**APPLICATION FOR CLOSING ORIGINAL ROAD ALLOWANCE**

**LETTER OF AGREEMENT**

The Applicant, \_\_\_\_\_ is the Owner of Part of Lot \_\_\_\_\_, Con. \_\_\_\_\_  
, Ward \_\_\_\_\_ in the Town of Huntsville.

I, \_\_\_\_\_, Owner of abutting lands described as Part of Lot \_\_\_\_\_,  
Con. \_\_\_\_\_, Ward \_\_\_\_\_ in the Town of Huntsville do hereby consent to \_\_\_\_\_  
\_\_\_\_\_ purchasing that portion of the Original Road Allowance lying  
adjacent to his/her property.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Abutting Property Owner

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Abutting Property Owner

**CORPORATION OF THE TOWN OF HUNTSVILLE**

**Agency Circulation List for Road and Shore Road Allowance Closings  
(Responsibility of the Applicant's Lawyer)**

1. Public Works and Government Services Canada Ontario Region  
4900 Yonge Street  
North York, ON M2N 6A6  
Attention: **Regional Manager, Real Estate Services**
  
2. Bell Canada  
Right of Way  
Fl-2, 140 Bayfield Street  
Barrie, Ontario L4M 3B1  
Tel: 1-866-484-6744  
Fax: 705-722-2263
  
3. Hydro One Network Inc. (include copy of survey)  
P.O. Box 4300  
Markham, ON L3R 5Z5  
Attention: **Cathy Ballagh, Real Estate Services/Land Use Planning**
  
4. Union Gas Limited  
P.O. Box 3040  
36 Charles Street East  
North Bay, ON P1B 8K7
  
5. District Municipality of Muskoka  
Attention: **Clerk's Department**  
70 Pine Street  
Bracebridge, ON P1L 1N3

*Note: Town of Huntsville Planning Department is to be provided with copies of **ALL** agency comments.*