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APPLICATION TO CLOSE A MUNICIPAL ROAD ALLOWANCE

**PLEASE SUBMIT YOUR
COMPLETED APPLICATION TO:**

Liz Mitchell, Planning Assistant
The Municipality of Trent Hills
66 Front Street South
P.O. Box 1030
Campbellford, Ontario
K0L 1L0

Tel: (705) 653-1900 ext. 224
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Application to close a Municipal road allowance

Corporation of the Municipality of Trent Hills

Application

FOR OFFICE USE ONLY	
Application Fee of \$500.00	
Date Filed:	
Hearing Date:	
Comments to be Received By:	
Card Issued: <input type="checkbox"/> Yes <input type="checkbox"/> No	
Fee Paid: <input type="checkbox"/> Yes <input type="checkbox"/> No Amount: _____	

APPLICANT INFORMATION	
Name:	Home Phone No.
	Work Phone No.
	Fax Number:
Mailing Address: (including Postal Code)	
Email Address:	

AUTHORIZED AGENT/SOLICITOR INFORMATION	
Name:	Phone No.:
	Fax Number:
Address: (including Postal Code)	
Email Address:	

Please specify the person is to be contacted about this application:

Owner Agent Solicitor

LOCATION OF THE APPLICANT(S) PROPERTY:	
Geographic Township: <i>(Percy, Seymour, Campbellford, Hastings)</i>	
Concession:	Lot:
Registered Plan:	Part(s) #
Civic Address:	
LOCATION OF THE SUBJECT ROAD ALLOWANCE:	
Geographic Township: <i>(Percy, Seymour, Campbellford, Hastings)</i>	
Concession:	Lot:
Registered Plan:	Part(s) #
DETAILS:	
Dimensions of the subject road allowance:	
Has the road allowance ever been used as a public road: Yes: <input type="checkbox"/> No: <input type="checkbox"/> If yes, please provide details.	
Will the close of this road allowance prohibit access to any other property? Yes: <input type="checkbox"/> No: <input type="checkbox"/> If yes, please provide details.	
Are there any easements or restrictive covenants affecting this road allowance? Yes: <input type="checkbox"/> No: <input type="checkbox"/> If yes, please provide details.	

NOTE: The declaration must be endorsed, by the applicant(s), before this application will be accepted. If the application is for a lot addition, the benefiting property owner must also sign the application form below.

If an agent is acting for you, a letter must be attached authorizing to act on your behalf.

DECLARATION

I/We, _____
of the Municipality of _____ in the County
of _____ solemnly declare that all the statements
contained in this application for consent and all the supporting document are true and
that I/We make this solemn declaration conscientiously believing it to be true and
complete and knowing that is of the same force and effect as it made under oath and
virtue of the CANADA EVIDENCE ACT.

Signature of Applicant:	Signature of Applicant:
Printed Name of Applicant:	Printed Name of Applicant:
Date:	Date:
Signature of Benefitting Property Owner:	Signature of Benefitting Property Owner:
Printed Name of Benefitting Property Owner:	Printed Name of Benefitting Property Owner:
Date:	Date:
Signature of Agent:	Signature of Agent:
Printed Name of Agent:	Printed Name of Agent:
Date:	Date:

DECLARED before me at the _____ of
_____ in the County of _____
this _____ day of _____ 20_____.

A Commissioner, etc.

The information on this form is being collected under the authority of section 4 of the *Municipal Freedom of Information and Protection of Privacy Act*. This information will be used for the purpose of processing an access request under the *Act*. Enquiries regarding the collection of this information should be directed to the Office of the Clerk / Freedom of Information Coordinator, Municipality of Trent Hills, 66 Front St. S., Campbellford, Ontario, K0L 1L0, (705) 653-1900.



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MUNICIPAL ROAD ALLOWANCES – DECLARE SURPLUS, STOP-UP, CLOSE AND OFFER FOR SALE	PLANNING DEPARTMENT POLICY PLN-2016-01
COUNCIL APPROVAL: AUGUST 2, 2016	REVIEW/REVISE: ANNUALLY

PURPOSE:

To establish a standard procedure for the closing of open and unopened municipal road allowances, within the Municipality of Trent Hills.

PREAMBLE:

Within the Municipality of Trent Hills, the Municipality owns all original concession road allowances which have not yet been stopped up and conveyed. Provincial legislation allows municipalities to sell such road allowances, except any portions which are covered by water.

The Municipality of Trent Hills supports the retention of road allowances in order to provide opportunities for public access.

However, the Municipality will give consideration to the closure and disposal of a road allowance in circumstances where the road allowance cannot or will not be required as a road or where the subject road allowance is not a viable means of public access to a water body or other public access point.

Generally, the Municipality will convey half of the width of the Road Allowance to each abutting land owner unless there is an agreement between the abutting landowners (which agreement may include a landowners written expression that it does not wish to purchase any portion of the road allowance). There may be instances where Council will need to allocate the road allowance differently due to specific circumstances and the allocation decision ultimately lies with Council.

Applications for closure of “portions” rather than the entire road allowance may be considered at the discretion of Council.

POLICY:

1. Road closures must be completed in accordance with s. 34, the Municipal Act, 2001, S.O. 2001, c. 25 as amended. Changes to the Act have resulted in a more streamlined process.
2. The Municipality will not consider the closure and conveyance of any road allowance, or portion thereof, which would deprive any property owner of ingress or egress to their lands or if the closure conflicts with Municipal By-laws or procedures.



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ADMINISTRATION:

1. Staff who are responsible for processing applications for the closing and conveying of road allowances shall follow this policy.
2. This policy shall come into force and take effect under By-law 2016-74, on August 2, 2016.

DEFINITIONS:

Shoreline Road Allowance:

Council will give consideration to the closure and disposal of a road allowance, which in the original survey, leads along or on the shore of any water body. The road allowance in this case must be situated in such a manner that it splits the applicant's waterfront property in two and/or is the only separation between the applicant's property and the shoreline of any water body. This shall be referred to as a shoreline road allowance.

Inland Road Allowance:

Council will give consideration to the closure and disposal of a road allowance adjacent to property which is not on the waterfront but where the development pattern or other circumstances in the area dictate that the road allowance cannot or will not be required for road purposes. This shall be referred to as an inland road allowance.

Road Allowance Leading to Water:

Council will give consideration to the closure and disposal of a road allowance leading to water where development pattern or other circumstances in the area dictate that the road allowance cannot or will not be required for road purposes or as a viable means of public access to a water body or other public access point.



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PROCEDURE:

1. The applicant is responsible for all fees associated with this process, including but not limited to, the application fee, legal fees, preparation of the reference plan of survey, and the cost for the purchase of the road allowance. There shall be no expenses to the Municipality of Trent Hills.

In the event that an applicant fails to pay the costs incurred within six (6) months of Council passing the applicable by-law, all outstanding costs will be added to the tax roll and collected in the same manner as taxes pursuant to Section 398 of the *Municipal Act*, c.25, S.O. 2001, as amended.

2. The applicant must complete the application form and submit it to the Municipality, with cheque payable to the Municipality of Trent Hills. The required application fee is in accordance with the current year Municipality of Trent Hills Fees By-law. This amount is a non-refundable application fee.

Any application will be considered terminated if inactive for a period of one (1) year.

3. A legible plan **MUST** be attached to the application form, which clearly demonstrates the area of unopened road allowance proposed to be purchased.

Although an Ontario Land Surveyor’s plan is NOT required at this stage, it is encouraged that the Applicant obtain the services of an Ontario Land Surveyor or equivalent, to properly prepare the required plan.

4. Upon receipt of a completed application and the required fee, the Planning Department will forward all pertinent information to the Public Works Department for their review and comments, to determine any requirements that the Municipality may have including, but not limited to, the establishments of drainage easements or covenants on title, installation of culverts or other such measures as required to protect the future needs of the Municipality.

For Shoreline Road Allowances or Road Allowances leading to water, circulation to and approval from Parks Canada / Trent Severn Waterways will be required.



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**MUNICIPAL ROAD ALLOWANCES –
DECLARE SURPLUS, STOP-UP, CLOSE AND
OFFER FOR SALE**

**PLANNING DEPARTMENT POLICY
PLN-2016-01**

COUNCIL APPROVAL: AUGUST 2, 2016

REVIEW/REVISE: ANNUALLY

5. All requests for road allowance closings, where physically possible, shall be inspected by municipal staff. All requests for road closures made between November 1st and March 31st, may be placed on hold until a site inspection can be scheduled.
6. All lands for consideration must be declared surplus by passing of a Resolution of Council, prior to the consideration of any application(s).
7. The Municipality will contact the owner(s) of the property(ies) adjacent to the allowance to ascertain if that individual wishes to purchase the 33-foot-wide portion for which they would be eligible to purchase. If that individual does wish to purchase their portion, they must also complete an application, with applicable fees, for consideration.

Upon the mutual consent of the participant(s), if two (2) or more applicants join in one (1) application, costs for each participant may be shared, and can be reduced.

8. The Municipality will arrange for a Public Notice, informing the public about the proposed road closing, to be placed in a local publication prior to the Public Meeting. Any objections received from the public on a specific closing and deemed valid by Staff, will be referred to Council.

Any person who feels the ingress or egress to their property may be affected, can file an objection to the application. Council shall determine the merit of any objections raised prior to providing a final decision to enact a By-law to stop-up, close and dispose of the subject road allowance.

Applications will not be approved if it is deemed:

- a) to have a negative impact on neighbouring owners of land; or
 - b) other land owners may be deprived of the sole vehicular access to their property; or
 - c) closure will result in conflicts with Municipal Official Plan policies, by-law regulations or procedures previously adopted.
9. The Municipality will provide a sign(s) to the applicant, in which the sign(s) must be posted to clearly identify the subject road allowance for a period of fourteen (14) days minimum. The posting of the sign(s) at the subject property will be the responsibility of the applicant and notice must be permitted to remain for the required period of time.
 10. Municipal staff will prepare and present a report to Council for the approval or denial, to stop-up, close and offer for sale the subject road allowance.



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11. If Council approval is granted, the applicant(s) will engage the services of an Ontario Land Surveyor to prepare a new reference plan of the subject road allowance to the following:

- a) Staff or Council pre-approved property lot line extensions;
- b) Must show all structures on the applicant's property as well as the road allowance. The identification of structures may be removed from the draft reference plan once the Municipality has reviewed and approved the plan; and
- c) Must show all encroachments on the road allowance from any neighbouring properties.

The road allowance must be identified as a part on the reference plan that can be registered for merging purposes. A road allowance must be joined in title with the abutting property(ies). It will not be permitted to be a stand-alone property.

The draft plan **MUST NOT** be deposited in the Registry Office prior to its approval by the Municipality. Upon receipt of the draft plan, Municipal staff will review and if satisfied, will direct the applicant's surveyor to deposit the survey at the local Land Registry Office. Upon completion of the required survey, applicants will be required to submit two (2) paper copies and provide one electronic version of the Registered Plan to the Planning Department.

All registered plans must show/indicate the required area and/or linear measurements.

12. Once all approvals have been obtained as set out above, the applicant's solicitor will provide the transfer documents, as well as the Acknowledgement and Direction to be signed by the Mayor and the Clerk, which will effectively result in the registration of the By-law authorizing the transfer. The applicant will be responsible for any legal costs and any Land Transfer Tax.

13. Full payment must be received by the applicant, in accordance with the current year Municipality of Trent Hills Fees By-law, made payable to the Municipality of Trent Hills. Note: HST is applicable.

14. Final approval of the required By-law will not be given until the current realty taxes on the applicant's property are paid in full and the account is up to date.

15. Municipal staff will prepare and present the By-law to Council, to authorize the Mayor and Clerk to execute the transfer documents.



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16. All executed documents will be returned to the Applicant's solicitor for registration. The Applicant's solicitor will promptly return a copy of all registered documents to the Municipal Planning Department.

REVISION CONTROL:

Last Revised and Submitted: July 21, 2016