

ADMINISTRATIVE POLICY

1. The Township will encourage applications for the closure and conveyance of original shore road allowances (SRA) 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 SRA will not be approved if it is deemed: to have a negative impact on neighbouring owners of land; or other land owners could be deprived of access to their property; or the closure will result in conflicts with Township ***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 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 SRA 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 Mediation Policy and Procedures attached as Schedule "C" to this Bylaw. 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 extensions of existing lot lines. Because of the irregular nature of the shoreline, deviations from straight 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.***

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 parcel to the abutting landowner, excepting any portions of the allowance which are covered by water.

All applications to purchase their SRA 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 Mediation Policy and Procedures, Schedule 'C' attached.***

All fees and refund policy for the SRA is available on the attached 'Schedule of Fees and Refund', Schedule 'E' attached. The application fee and administration fee are required at the time of submission of the application.

The purchaser is responsible for paying all legal, surveying and administrative costs.

A survey is essential if an existing reference plan does not show the original shore road allowance as having a separate part number. While you are under no obligation to use local surveyors, they are certainly familiar with Township procedures for road closures. This list is provided for your convenience only.

L. U. Maughan, O.L.S.	5 McMurray Street, Parry Sound	746-5805
Paul Forth, O.L.S.	29 Miller Street, Parry Sound	746-8404

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:

Please refer to attached flowchart, Appendix 'A' depicting the following process:

1. The SRA applicant must obtain "Preliminary Consent" of his neighbours with signatures by the neighbours on the "Preliminary Consent" form attached under Schedule 'D', 'Application 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 land on one or both sides is owned by the Ministry of Natural Resources (the Crown), the applicant must contact the M.N.R. to obtain its written consent.

2. The applicant must complete the application form and submit it to the Township together with the "Preliminary Consent" form together with a cheque in the amount of \$352.00. An additional cheque 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. Of the \$352 fee, the \$50.00 application fee is non-refundable. Should Council deny the request to purchase the SRA, the \$300 Administration Fee is non-refundable. If the applicant withdraws the application prior to Council making a decision on the SRA request, the \$300.00 administration fee and \$2.00 cost of land may be refunded to the applicant.
4. Generally, the portion of shore road allowance to be closed and conveyed will be determined by straight extensions of existing lot lines. Because of the irregular nature of the shoreline, deviations from the straight 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 of high quality 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 application fees, ***the Planning Department will undertake a review of the request and prepare a report with recommendations to Council on the merits of the application.***

CAUTION: DO NOT PROCEED WITH STEP 7 UNTIL SO DIRECTED BY TOWNSHIP STAFF.

7. If the applicant's lot(s) was created by a registered Plan of Subdivision, the subject shore road allowance will not merge with the lot(s), pursuant to the Planning Act. Council's approval will be made subject to the applicant submitting an application to the Township, together with the required fee of \$375.00, to deem the subject lot(s) not to be on a registered plan of subdivision. The Township will register the by-law at the local Land Registry office, thereby permitting the shore road allowance to merge with the subject lot.
8. Following Council's approval, staff will direct the applicant or group leader to contact an Ontario Land Surveyor to request that a draft plan be prepared in accordance with Council's approval to close and convey the subject lands. The draft plan **MUST NOT** be deposited in the Registry Office prior to its approval by the Township.
9. Upon completion of the draft reference plan, the applicant must obtain, in the form provided, the required "Certificate of Confirmation" from abutting landowners to confirm agreement with the proposed dividing lines as shown on the draft reference plan.
10. 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.

11. 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 13)

12. 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 enquire as to the purchase of 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.**
13. Following receipt of the registered plan of survey, the Township will engage a solicitor to proceed with the application. The applicant shall be provided with a copy of the Township's correspondence to the solicitor.
14. If the subject lot(s) is on a registered plan of subdivision, as outlined in Section 5, 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.
15. 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 he is in 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.)
16. 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 6, Council will also pass a by-law to deem the lot(s) not to be on a registered plan of subdivision and will register same at the local Land Registry Office.
17. 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 (and Crown strip, if applicable) to the applicant.
18. 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, as discussed in Section 11 above, then the procedure will be lengthened considerably as the Township must await completion of the Crown's administrative processes.

MEDIATION POLICY AND PROCEDURE

Policy for Mediation:

- 1) If applicants are not be able to gain support from their abutting neighbour(s) and obtain the neighbours 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 the Planning Department and the Mediation fee (\$500.00) as set out in Schedule "E" to this Bylaw. 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) Planning Staff will review the letter of request for mediation and supporting application information submitted by the applicant.
- 3) Council will consider background information and request for mediation to determine if mediation is appropriate and feasible. Council will determine if mediation is appropriate and 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) Planning staff will establish a timeframe and significant dates for the mediation process;
 - b) Planning 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. In this letter, staff will also request the neighbours identify any potential resolution to the conflict and the potential solution to be considered;
 - c) Planning 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 1 month to respond to the staff letter requesting information, their position and potential solutions. If the abutting property owner(s) does not submit an acceptable letter of resolution or contact the Planning Department, 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 2 month time frame, Council will proceed with the mediation meeting;

- g)** The applicant requesting the mediation and the adjacent neighbour will both be invited to the meeting. Each party will be given an opportunity to present their positions to Council at the mediation meeting;
 - h)** Planning Staff will prepare a planning report that will contain; background information, conflict solutions and detailed options for Council's consideration on the resolution of the shoreline closure. The report will be presented to Council during the open mediation meeting for their consideration;
 - i)** Council will make a decision on the closure of the shoreline road allowance based on the Planning report, neighbours submission/presentation and the applicant's submission/presentation at the mediation meeting.
 - j)** A written response indicating Councils decision will be circulated to the applicant and to the neighbours.
- 5)** Should Council grant permission to close portions of a SRA, staff will proceed with the application as per standards procedures.

6. LOCATION OF THE SUBJECT LAND

(Remember to include a legible plan of the property showing neighbouring lots and the subject shore road allowance proposed to be purchased.)

Assessment Roll No. _____ 911 Civic Address _____

Former Township _____ Island No. _____

Lot _____ Concession _____ Reference Plan No. _____ Sublot _____

7. ARE THERE ANY MORTGAGES AGAINST THIS PROPERTY? _____

If so, name and address of the mortgage holder:

I/WE acknowledge that I/WE have read the explanation provided with the Township's Application to Close and Convey Shore Road Allowances, and submit MY/OUR cheque in the amount of \$350.00 for consideration of this application by Council.

Following Council's approval in principle of this application to purchase the original shore road allowance, I/WE will undertake to order a survey and ensure that same is not registered prior to approval of the draft plan by the Township.

I/WE agree that prior to the surrender of the deeds to ME/US, I/WE shall pay in full to the Township's solicitor any outstanding balance resulting from this application.

I/WE agree to pay to the Township of The Archipelago the agreed upon purchase price of the SRA.

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 to me/us until the account has been paid in full, including interest.

DATED AT _____, Ontario on this the ____ day of

_____, 20__.

SIGNED: _____

WITNESSED: _____

(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 Applicant)

who owns the property known as Parcel _____ in the Register for Parry Sound _____ Section, in the geographical township of _____, now in the Township of The Archipelago, and designated as Part _____ on Reference Plan _____ located in part of Lot _____ in Concession _____.

Dear Sirs:

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

Dated at _____, Ontario on the _____ day of _____, 20____.

I/We are the owners of Parcel _____)
In the Register for Parry Sound _____ Section,)
in the geographical township of _____) _____
now in The Township of The Archipelago and)
designated as Part _____ on Plan _____ located) _____
in part of Lot _____, Concession _____.

(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 Applicant)

who owns the property known as Parcel _____ in the Register for Parry Sound _____ Section, in the geographical township of _____, now in the Township of The Archipelago, and designated as Part _____ on Reference Plan _____ located in part of Lot _____ in Concession _____.

Dear Sirs:

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

Dated at _____, Ontario on the _____ day of _____, 20____.

I/We are the owners of Parcel _____)
In the Register for Parry Sound _____ Section,)
in the geographical township of _____) _____
now in The Township of The Archipelago and)
designated as Part _____ on Plan _____ located) _____
in part of Lot _____, Concession _____.)

(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 Applicant)

who owns the property known as Parcel _____ in the Register for Parry Sound _____ Section, in the geographical township of _____, now in the Township of The Archipelago, and designated as Part _____ on Reference Plan _____ located in part of Lot _____ in Concession _____.

Dear Sirs:

This certificate hereby confirms that:

1. I/WE are the registered owners of Parcel _____ in the Register for Parry Sound _____ Section, in the geographical township of _____, now in the Township of The Archipelago, and designated as Part _____ on Reference Plan _____ located in part of Lot _____ Concession _____.
2. I/We have seen the draft survey of the proposed 42R plan prepared by _____ and dated the _____ day of _____ 20____.
3. I/We agree with the location of the projected lot lines to the high water mark.
4. I/We have no objection to the proposed conveyance in accordance with this survey.

Dated at _____, Ontario on the _____ day of _____, 20____.

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 Applicant)

who owns the property known as Parcel _____ in the Register for Parry Sound _____ Section, in the geographical township of _____, now in the Township of The Archipelago, and designated as Part _____ on Reference Plan _____ located in part of Lot _____ in Concession _____.

Dear Sirs:

This certificate hereby confirms that:

1. I/WE are the registered owners of Parcel _____ in the Register for Parry Sound _____ Section, in the geographical township of _____, now in the Township of The Archipelago, and designated as Part _____ on Reference Plan _____ located in part of Lot _____ Concession _____.
2. I/We have seen the draft survey of the proposed 42R plan prepared by _____ and dated the _____ day of _____ 20____.
3. I/We agree with the location of the projected lot lines to the high water mark.
4. I/We have no objection to the proposed conveyance in accordance with this survey.

Dated at _____, Ontario on the _____ day of _____, 20____.

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
Non-refundable Application Fee	\$ 50.00
Administration Fee	\$ 300.00
	=====
Total Application Fee to be submitted for each parcel of land:	\$ 352.00*

2. ***Mediation Fee*** \$ 500.00
3. ***Deeming By-law*** \$ 375.00
4. * All other fees associated with the SRA purchase (legal fees, registration fees, surveying costs, etc.) are the sole responsibility of the applicant and will be charged to the applicant.
5. The \$50.00 application fee is non-refundable.
6. ***Should Council deny the request to purchase the SRA, the \$300 Administration Fee is non-refundable.***
7. If the applicant withdraws the application prior to Council making a decision on the SRA request, the \$300.00 administration fee and the \$2.00 paid for the cost of the land will be refunded to the applicant.
8. The application fee and administration fee are required at the time of submission of the application. The purchaser is responsible for paying all legal and surveying costs during the purchase and transfer of the SRA. The purchase price of the SRA is paid to the Township prior to the registration of the transfer of lands. All fees are payable to 'the Township of The Archipelago'.