



## **Committee of the Whole Report**

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**Meeting Date:** 2025-07-07

**Department:** Planning & Development

**Report Number:** Planning & Development-2025-048

**Submitted By:** Marnie Venditti

**Approved By:** Stephen Donachey

**Subject:** Unopened Road Allowance Policy

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### **Recommendation:**

**That** the Committee of the Whole recommend that Council give three readings and final passage to By-law No. 2025-036 being a bylaw authorizing an Unopened Road Allowance Policy in the form attached to Planning Report No. 2025-048 as Exhibit A.

### **Background:**

At a meeting held April 14, 2025, Council passed Resolution Number 2025.Council.42, as follows:

Whereas at their meeting on April 7, 2025 the Committee of the Whole received a request from a resident to waive the \$1,200 advertising deposit fee for advertising a proposed road allowance closure in the newspaper; and

Whereas the request indicated that other methods of providing public notice would be more appropriate for the application than publishing notice in the local newspaper; and

Whereas Council is not supportive of changing a by-law process on an ad hoc basis as requested; and

Whereas staff have noted that there are three existing by-laws that establish varying requirements for notification regarding a request to convey an unopened road allowance;

Therefore it be resolved that staff review the existing by-laws and notice requirements and bring forward an updated Unopened Road Allowance Policy, including notification requirements for Council consideration

Currently, the Township does not have a formal policy administering Unopened Road Allowances. The Official Plan includes policies for Road Allowance Closures and Unopened Road Allowances. The Official Plan includes a policy that states Council may pass a By-law or policy governing the process and establish application fees for such requests. While Unopened Road Allowances are governed by the *Municipal Act*, it is beneficial to implement a specific policy that staff, residents and Council can rely upon rather than the high-level legislation offered in the *Municipal Act*. The proposed policy will ensure consistency and clarity moving forward.

In addition to the Official Plan the following by-laws also include requirements that apply to Township owned unopened road allowances:

By-law 38-01- being a By-law to establish a procedure for the stopping up, closing and sale of unopened road allowances, passed on April 23, 2001. This by-law requires that notice be posted in six locations in close proximity to the road for a period of one month. This by-law also references publication of the notice but provides no specific instructions or requirements.

By-law 76-01- being a By-law to establish procedures governing the sale of real property owned by the Corporation of the Township of Leeds and the Thousand Islands, passed on September 24<sup>th</sup>, 2001. This by-law requires that, prior to the sale of property, Council post notice on the property for sale or by publication in a newspaper that is in general circulation in the area to provide reasonable notice a minimum of 5 days before the day Council shall declare the real property surplus.

By-law 16-007- being a By-law to adopt a policy for the giving of public notice passed on March 14, 2016. Clause 1 of the by-law states that "The procedure schedules attached to and forming part of the By-law be and are hereby adopted as reasonable notice to the public as required under the *Municipal Act*".

Schedule A to By-law 16-007, establishes procedures for notice for Highway Closings. This requires notice to be published at least once a week for four successive weeks in a local paper, notice posted on site a minimum of two weeks prior to a Council meeting and posting at the municipal office and on the Township website.

Schedule L to By-law Number 16-007 establishes procedures for notice of the sale of municipal land. The schedule states that notice is required to be published in a local paper once, at least one month in advance of the meeting of Council and posted on

site a minimum of two weeks prior to the meeting as well as posting at the municipal office and on the Township website.

### **Analysis:**

Staff propose that Council adopt the draft by-law and policy attached to this report as Exhibit A to establish a policy and process for applications related to closing and selling Unopened Road Allowances, and License Agreements for the use of unopened road allowances. The policy (which forms part of the by-law) also outlines how Unopened Road Allowances can be used by the public in accordance with both the by-law and *Municipal Act*.

The following information is intended to provide a summary of the key sections of the policy and the intention behind the framework.

**Section 3** speaks to the use of Unopened Road Allowances by the public. Members of the public have the right to use Unopened Road Allowances, for the purpose of passing only, and further, alterations are not permitted. This section of the policy defines how an Unopened Road Allowance can be utilized and is helpful when Council members and staff receive inquiries regarding the use of an Unopened Road Allowance instead of having to interpret provincial legislation.

**Section 4** outlines the application process with respect to requests for the closure and sale of Unopened Road Allowances.

The current application process is as follows:

1. The application is received and notice is provided by publication in a local newspaper once a week for four consecutive weeks, posting a sign on the subject property and posting a notice in the Township Office at least 20 days prior to a public meeting being held by the Township.
2. A public meeting is held and a report presented at a Council meeting where consideration is given to a staff report and By-law which request direction from Council to either move forward with request or reject the application
3. If Council approves the recommended by-law the applicant is then required to have a survey of the property completed and a market appraisal prepared to determine the sale value of the subject road allowance lands.

The proposed application process is as follows:

1. A notice of application will be circulated by mail (20-day circulation period) to the abutting land owners and by email to required agencies requesting comments be submitted in writing.

In addition, notice will be posted at the Township Office, on the Township website and in the Weekly Update a minimum of 20 days prior to the scheduled Council meeting. All correspondence received from members of the public related to the application will be addressed and included in the initial report as an exhibit.

2. Following the circulation period, staff will evaluate the comments received and will prepare a report and By-law to be considered by Council. Following the consideration of the initial report, Council will approve the recommended By-law to provide direction to staff or deny the application.
3. Should Council approve the recommended By-law, the Applicant will enter into an agreement of purchase and sale with the Township and have a survey of the land completed. The Applicant will also be required to have an appraisal prepared for the lands to determine the sale price at fair market value.

The proposed process seeks to streamline the Unopened Road Allowance application process to remove the requirement for posting notice in the newspaper and to ensure that Council receives all information from the applicant, the public and the commenting agencies at the meeting in which the matter is considered by Council.

Further, staff have proposed that the public meeting be removed from the process following consultation with the Township's solicitor. The *Municipal Act* does not prescribe that a public meeting be held. The current notice process requires 4 weekly publications in a local newspaper which is expensive and may not be seen by the abutting land owners.

Notice will continue to be provided on the Township website, in the Weekly Update, posted on the subject property and mailed to abutting landowners. The notice will request that residents provide comments in writing within the prescribed period. Additionally, the notice will inquire whether other abutting landowners wish to purchase any portion of the Unopened Road Allowance abutting their land. All comments received from the public will be included in the report to Council as an exhibit. Staff will evaluate the comments received and will advise Council accordingly. Staff will also advise Council if there will be any anticipated additional applications to purchase a portion of the subject road allowance.

**Section 5** provides general provisions regarding Unopened Road Allowances. This section provides details regarding Unopened Road Allowances leading to waterbodies directly from a Township owned and maintained roads. It has been the past practice of the Township to not sell these Unopened Road Allowances, except in exceptional circumstances, as per the policies of the Official Plan.

Section 5 also clarifies that the subject road allowance must abut an existing parcel of land owned by the applicant and it must be added to the benefitting property to ensure that there is no new lot created as a result of the application. Further, Section 5 outlines that the addition of the Unopened Road Allowance should not create an irregular shaped lot such as a “flag” or “panhandle lot” as this would not conform with the general intent of the Township Official Plan and other land use planning policies.

**Section 6** speaks to the financial considerations associated with closing and purchasing an Unopened Road Allowance including the fees applicable to submitting the application and fees and costs that may occur throughout the process. Schedule “C” outlines the municipal fees that will be charged to process each application.

**Section 7** establishes the process for providing public notice of an application to convey a portion of an Unopened Road Allowance.

**Section 8** provides information regarding the circulation of applications for comments from internal departments and external agencies. These comments, if any, will be included in the Council meeting report for consideration.

**Section 9** allows staff to close a file after one (1) year of inactivity. Historically, there are files that have been abandoned. This section will allow staff to close the file if applicant does not take the necessary steps to complete the process in a timely manner.

**Section 12** outlines the process for a Licence Agreement application, this process remains the same as the current process.

#### **Schedule “B”: Purchase Price**

There is no change proposed to the process for determining the purchase price. The Official Plan policy includes the requirement that road allowances to be sold be sold at fair market value. By-law 01-038 which establishes the current road closure procedure also requires that an Applicant pay fair market value as determined a land appraiser to acquire a road allowance.

If Council is supportive of the recommended process it will streamline the public notification requirements and reduce the cost to the applicant by removing the requirement to provide notice

#### **Alternatives:**

Council may approve the updated policy as recommended which includes updates to the public notice process or continue to process applications under the existing policy framework

#### **Financial Implications:**

None

**Relevant Policy or Legislation:**

Municipal Act, Township Official Plan, By-law 01-038 By-law to Establish a Road Closing Procedure.

**Strategic Plan Alignment:**

Council adopted the Township of Leeds and the Thousand Islands Strategic Plan (2021-2031) at its regular meeting held on November 8, 2021. The initiative contained within this report supports the following Strategic Pillars as set out in the Strategic Plan:

- ☒ Delivering Effective and Accountable Government
- ☐ Promoting Quality of Life and Environmental Stewardship
- ☐ Growing a Liveable Community with Great Services
- ☐ Fostering Jobs and Economic Development

**Consultations:**

This report was reviewed in consultation with:

**Attachments:**

Exhibit A- Recommended By-law and Policy Schedule

Exhibit B- By-law 01-038 By-law to Establish a Road Closing Procedure.