



Comprehensive Land Policy

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Policy Statement

The Municipality may acquire land for municipal purposes in line with Council priorities, and will dispose of land openly and transparently, in accordance with the Municipal Act, to maximize social, economic, environmental, and cultural benefits for the community.

Application & Scope

This policy governs specific municipal land transactions, including acquisitions, dispositions, sales of road and shore allowances, road use agreements, encroachments, easements, and other identified municipal interests. It applies to all municipal staff, elected officials, and authorized agents, with procedures and forms maintained by staff as needed. The policy excludes tax sales, certain capital facility agreements, lease agreements, and land acquired through planning applications. Related fees are set in the Municipality's Fees and Charges By-law.

This policy shall be administered and enforced by the CAO and/or the Municipal Clerk, and will be amended as required pursuant to legislative requirements. The CAO and/or the Municipal Clerk may appoint a delegate, as required.

Purpose

This policy establishes a consistent, transparent, and accountable framework for acquiring and disposing of municipal land in support of Council-approved priorities, in compliance with section 270(1) of the Municipal Act. It ensures timely real estate transactions that consider both monetary and non-monetary benefits, and provides guidance on encroachments and building permits involving municipal land.

Definitions

"Access Agreement" – A formal agreement between the Municipality and an applicant permitting improvements to an unopened or unmaintained municipal road allowance for the purpose of accessing private land, without transferring ownership or creating additional development rights.

"Abutting Owner" – An individual or entity whose property physically borders municipal land, including roads, road allowances, or shore road allowances.

"Appraisal" – A valuation of land conducted by a qualified appraiser or Ontario real estate agent in good standing with the Appraisal Institute of Canada, used to determine fair market value based on the highest and best use of the land.

"CAO" – Chief Administrative Officer for the Municipality.

"Clerk" – Clerk for the Municipality.

"Common Law Right of Passage" – The public's inherent legal right to cross or use a highway, shore road allowance, or road allowance, whether opened, unopened, maintained, or unmaintained, unless specifically restricted by a by-law.

"Council" – The elected governing body of the Municipality responsible for approving acquisitions, dispositions, by-laws, and related decisions under this policy.

"Disposition" – The sale, transfer, exchange, or other conveyance of municipal land or interests in land, including easements, under the authority of Council.

"Easement" – A registered interest in land held by the Municipality to allow specific uses or access, including for utilities or public passage, without transferring ownership of the land.

"Encroachment" – Any unauthorized use, alteration, or placement of structures, objects, or improvements on municipal land, including road allowances and shore road allowances.

"Fair Market Value" – The estimated amount a willing buyer would pay a willing seller for land, determined through an appraisal using the highest and best use methodology.

"Flooded Portion" – That part of a shore road or road allowance submerged under water or otherwise periodically inundated.

"Land Acquisition" – The process by which the Municipality obtains ownership or interests in land through negotiation, expropriation, donation, exchange, transfer from another level of government, public-private partnership, or other authorized methods.

"Land Disposal" – The process by which the Municipality relinquishes ownership or interests in land, including sales, exchanges, or transfers to other public bodies, subject to this policy.

"Municipality" – Municipality of Northern Bruce Peninsula.

"Municipal Land" – Any land owned, controlled, or held by the Municipality, including highways, road allowances, shore road allowances, easements, and other interests identified in this policy.

"Notice" – Public communication issued by the Municipality to inform stakeholders about proposed acquisitions, dispositions, or other land transactions, in accordance with the Municipality's Notice Provisions Policy.

"Public Use / Public Interest" – The use of land for recreational, environmental, transportation, or other purposes that benefit the general public or community at large.

"Reference Plan" – A legal survey prepared by an Ontario Land Surveyor that accurately defines the boundaries of a parcel of land or a portion of land for registration and transfer purposes.

"Road Allowance" – Land designated for roads or streets within the Municipality, whether currently opened, unopened, maintained, or unmaintained, including those adjacent to private properties.

"Sale Price" – The monetary consideration determined for the disposition of municipal land, based on appraisal, Council decision, or other authorized methods under this policy.

"Shore Road Allowance" – A road allowance located along a body of water, held by the Municipality for public access, environmental protection, or other municipal purposes.

"Surplus Land" – Municipal land that Council has declared no longer required for municipal purposes and may be disposed of under this policy.

"Unflooded Portion" – That part of a shore road or road allowance not submerged under water and available for land use or development.

"Unopened Road / Highway" – A road or street that exists in name or plan only and has not been constructed, maintained, or opened for public vehicular use.

"Zoning Compliance" – Adherence to the Municipality's Comprehensive Zoning By-law and related land-use regulations governing the use, development, or alteration of land.

Section 1 - Acquisition of Land

General

The Municipality may acquire land through:

- Negotiated agreement
- Land exchange
- Donation
- Transfer from another level of government
- Public-Private Partnership (P3)
- Emergency situation
- Road widening or breaking of consent
- Planning applications

- Expropriation

Preliminary Procedure

Prior to the Acquisition of land by the Municipality, Council shall, where appropriate:

1. Receive and review an analysis justifying the acquisition, including operational and budget impacts provided by the CAO.
2. Authorize the CAO to carry out necessary surveys, appraisals, negotiations, assessments, and related activities.
3. Allow the CAO to conduct preliminary research before seeking further Council direction, if needed.
4. Identify acquisition funding from approved budgets, reserves, grants, or Council-approved financing.
5. Approve by Council resolution before proceeding, keeping details confidential until the transfer is complete, depending on the conditions of the Agreement of Purchase and Sale.
6. Use negotiation as the primary acquisition method. Where negotiation is unsuccessful or not feasible, expropriation may be considered, in accordance with the provisions of the Expropriations Act.

Land Donated to the Municipality

Council may approve acquiring land through gifts or donations after reviewing conditions, restrictions, liabilities, and tax implications; a charitable receipt may be issued based on an appraisal. An appraisal from a certified appraiser or real estate agent may be used to determine fair market value of the subject property. Acquisition costs are the donor's responsibility unless Council decides otherwise.

Section 2 - Disposition of Municipal Land

Prior to the disposition of Municipal Land, Council shall, where applicable:

1. Receive and review an analysis justifying the disposition, including operational and budget impacts provided by the CAO.
2. Declare the Lands to be surplus by passage of resolution.
3. Determine the method of Disposition.
4. Obtain at least one (1) Appraisal from a qualified land appraiser or Ontario real estate agent, unless otherwise directed by Council.
5. Provide notice to the public of the proposed Sale of the surplus Land in accordance with the Municipality's Notice Provisions Policy.

6. When disposing of any Land, the Municipality shall consider public access to lakes, parkland, portages, rivers and trails linkages, and other Municipal uses, through retaining road allowances, acquiring Easements, or by retaining parcels or strips of land, to maintain current access or provide future access.
7. Notwithstanding the above, the Municipality shall not be required to make improvements or alter any Land or Easements it retains for public access to lakes, rivers, or trail linkages with the objective of enhancing safe passage for pedestrians and/or motor vehicles.

Applications to Purchase Municipal Land – General

1. All applications to purchase Municipal Land are applicant driven, and all costs are borne by the applicant. More specifically, the applicant is responsible for paying all administrative land Acquisition costs, including, but not limited to: legal, appraisal costs, surveying, and advertising.
2. If an applicant fails to pay the costs incurred, at the discretion of the CAO, all outstanding costs will be added to the tax roll and collected in the same manner as taxes pursuant to Section 398 or 446 of the Municipal Act.
3. Applications will be circulated to the relevant Municipal departments for review. Where applicable, applications may be circulated to agencies, federal/provincial authorities, or other organizations, as determined by the CAO and/or Clerk.
4. Once reviewed and comments have been compiled by senior management, the CAO and/or Clerk will bring a report to Council for review and approval.
5. Following Council approval of an application to purchase Municipal Land, the Municipality will not consider additional applications.
6. Transfer of any Municipal Land will not occur until the property taxes on the applicant's Land are paid in full.
7. The transfer of any Municipal Land shall not be delayed by the applicant. Failure by an applicant to complete a transaction within two (2) years of approval may, at the sole discretion of the CAO, result in the closure of the file and require the applicant to re-submit an application together with the required application fee.
8. The Municipality may require, at its sole discretion, that any building permits and any other outstanding Land matters identified by the Municipality, including confirmation of a functioning septic system, are addressed prior to the transfer of any Municipal Land to an applicant.
9. Subject to the satisfaction of the CAO, or as directed by Council, all existing Encroachments from an abutting property (other than the applicant) shall be removed or re-located prior to the transfer of any Municipal Land to provide clear title to the applicant.
10. Notwithstanding the above, in the event the applicant willingly agrees to recognize an Encroachment from an abutting owner and accept title to the Land

with the Encroachment remaining, at the discretion of the CAO, the Land transaction may proceed.

Appraisals

Before acquiring or disposing of land, the Municipality must obtain at least one (1) appraisal completed by an appraiser or Ontario real estate agent in good standing with the Appraisal Institute of Canada to determine fair market value using a “highest and best use” methodology.

The Municipality commissions all appraisals directly; those provided by sellers or applicants are not accepted. Council may, at its sole discretion obtain additional appraisals or select or set the land value. Appraisals remain valid for two years, after which the CAO may review the need for an update if the land has not been disposed of.

The following classes are exempt from the requirement for the Municipality to obtain an Appraisal:

1. Land 0.3 metres (1 foot) or less in width acquired through a Planning Act approval or decision.
2. Land disposed of via a land exchange for municipal or other government purposes, unless Council directs otherwise.
3. Easements, except when acquiring or selling easements of more than nominal value.
4. Leasing or licensing of municipal land for any term.
5. Land transferred in exchange for other land for road allowances or road widening within the municipality.
6. Land conveyed by the Municipality as part of litigation settlements or under the Expropriations Act or other legislation.

The Municipality shall not be required to obtain an Appraisal for the Sale of Land to the following public bodies:

1. A municipality.
2. A local board, including a school board and a conservation authority.
3. The Crown in right of Ontario or Canada and their agencies.

Method of Disposition of Land

Council shall determine the method for the sale or other disposition of land, and the CAO shall carry out the transaction according to the authorized method.

Methods available for the disposition of land by the Municipality include:

1. Request for Proposals/Offer
2. Public Tender

3. Direct Sale by the Municipality (application-based)
4. Direct negotiation with an interested party or parties
5. Public auction
6. Land exchange agreement
7. Listing with a real estate agent or broker
8. Any other method of disposition determined by Council

Council reserves the right to adjust the sale price and/or accept a proposal or offer less than the sale price, where in the opinion of Council, it is in the best interests of the Municipality to do so, subject to any legislative requirements or regulations.

Council may refuse the highest or any proposal or offer without providing a reason.

Reference Plans (Surveys)

Prior to purchasing Land, receiving a donation of Land, or selling surplus Land, the Municipality and/or applicant shall obtain a reference plan of the subject Land, to the satisfaction of the CAO, from an Ontario Land Survey (O.L.S.) in accordance with the laws of the Province of Ontario.

This requirement is deemed to be waived if, in consultation with the Municipality's solicitor, an acceptable reference plan or alternative legal description exists to the satisfaction of the Municipality's solicitor, or upon the direction of Council.

Public Notice – General

With regards to the disposition or acquisition of Municipal lands, any public notice shall, at a minimum, meet any requirements as established by the Municipality's Notice Provisions Policy.

In addition, prior to the Disposition of any Land declared surplus by the Municipality, the following forms of public notice may also include, but not be limited to:

1. Advertise one or more times in publications that, at the CAO's discretion, provide suitable geographic distribution.
2. List the land for sale on the Municipality's website.
3. Use social media, including Facebook, Twitter, and other platforms.
4. Post a sign on the land indicating the Municipality's intent to sell.
5. Use any other reasonable and good-faith communication methods deemed transparent and effective to notify the public.
6. Notwithstanding that public notice of the intended Disposition has been given, and that one or more interested parties may present to Council an offer to purchase Municipal Land, nothing shall bind the absolute discretion of Council to retain

Land or to dispose of Land on such terms and conditions as may be fixed by Council.

Direct Notice Not Required

The Municipality shall not be required to circulate and provide Direct Notice to Abutting Owners regarding any Land that has been declared surplus and is intended for Sale, or regarding Land that the Municipality is acquiring, except for the closing of a highway as per the following:

1. Section 34(2) of the Municipal Act, which requires consent of the Government of Canada if the highway abuts on land, including land covered by water, owned by the Crown in right of Canada; or, leads to or abuts on a bridge, wharf, dock, quay or other work owned by the Crown in right of Canada.
2. Section 43 of the Municipal Act, which requires municipalities to seek the consent of the appropriate legislative authority prior to conveying submerged portions of road allowances.

Notwithstanding the above, Direct Notice may be provided under various circumstances, such as to Abutting Owners, or nearby Land owners, as deemed appropriate by the CAO.

Direct Notice not Required

Land exempt from the requirement to declare intent to sell or give notice prior to Sale includes:

1. Land being acquired by the Municipality.
2. A parcel of Land being disposed of, by means of a Land exchange, for municipal or other government purposes.
3. Release of Easements, right of ways, reserves or any interest in lands, not currently serving a Public Use.
4. Easements granted by the Municipality.
5. Quit claim deeds, or any transfers for the purpose of correcting title.
6. Previously stopped up and closed OSRAs/RAs where a transfer to the Abutting Owner does not appear on title.
7. Stopped up and closed flooded OSRAs where the unflooded portion has already been stopped up, closed and conveyed to the abutting owner.
8. Land that is transferred to another government body or public utility in exchange for other Land for road allowance or road widening purposes.
9. Land conveyed by the Municipality as part of the settlement of litigation proceedings or any action under the Expropriations Act or any other legislation.

Section 3 - Shore Road and Road Allowances

Overview

The Municipality will consider applications for the closure and conveyance of all types of unused highways, including road allowances, within the Municipality to Abutting Owners.

All road allowance closures are at the discretion of Council and shall be unfettered by any previous decisions.

The primary reasons for closing a portion of highway is that:

1. there is no present or anticipated future Public Use or Public Interest for the highway,
2. it does not serve as the sole vehicular access to any Land, and
3. the closure does not conflict with Municipality by-laws, policies, or practices.

Merging in Title and consolidation of Property Identification Numbers (PINS)

All abutting shore/road allowances stopped up and closed shall merge in title with the applicant's Land. In addition, PINS shall generally be consolidated with the applicant's property except where support has been received from the Municipality's solicitor for an exception (i.e. in cases involving lands with differing registration systems).

Boundaries

In most circumstances, the portion of road to be closed and conveyed will be determined by straight-line extension of the existing lot lines or Land configurations in the vicinity, to provide regularly shaped lots for zoning purposes or to ensure water frontage is retained. The location of existing substantial buildings will generally be respected. Deviations will only be considered based on comments from the Municipal Surveyor in consultation with the CAO provided the deviation does not impact the development rights of the subject Lands or the abutting Lands.

Flooded/ Un-Flooded

Applicants are required to purchase both the unflooded and flooded portions of any shore road/road allowance (if both exist) in their entirety.

Sale Price and Collection of Funds

The sale price with regards to a road allowance shall be determined as outlined in the appraisals section of this policy.

Road Allowance Closing By-law – Registration

The by-law authorizing the stopping up, closing and transferring of the subject road/shore road allowance shall not be registered until all conditions have been satisfied and all funds have been received from the applicant.

Planning Requirements

The Clerk's Department is a commenting body with respect to applications under this policy. The review undertaken by the Department includes a review of the applicant's Lands including, but not limited to:

- Buildings and Structures with respect to compliance with the Municipality's Comprehensive Zoning By-law and the Ontario Building Code;
- Private sewage systems in accordance with the Ontario Building Code and the Municipality's Property Standards By-law; and
- Planning Act matters related to subdivision of Land and merging of Lands.

Should a further Planning Application be required to facilitate the stopping up, closing and sale of a lands, the applicant shall pay all costs for these applications.

Shore Road Allowance Closing Procedure

Purpose

To establish the fees, costs and procedures for an application to purchase portions of the original shore road allowance.

General Provisions

- a) The Municipality's solicitor shall act on behalf of the Municipality on behalf of the closure and conveyance of all shore road allowances.
- b) The applicant is responsible for paying all administrative, legal, surveying advertising and land acquisition costs involved in the shore road allowance closing. In the event that the applicant fails to pay the costs incurred within six months of Council passing the by-law, all outstanding costs will be added to the tax roll and collected in the same manner as taxes pursuant to Section 389 of the *Municipal Act, 2001, S.O. 2001, as amended*.
- c) Applications will be considered terminated if inactive for a period of one year.
- d) Applicants should allow once year to complete the purchase of the shore road allowance. The completion time may increase should easements be required or complications occur during the process.

SHORE ROAD ALLOWANCE

- a) Applicants must own property directly abutting the original shore road allowance. The Municipality will only convey to the adjacent landowner the portion of the shore road allowance above the controlled or normal high water mark.
- b) Applications will not be approved if the closure is deemed:
 - i) To have a negative impact on neighbouring owners of land; or
 - ii) Other land owners may be deprived of the sole vehicular access to their property; or
 - iii) Closure will result in conflicts with the Municipality's Official Plan policies, by-law regulations, or procedures.
- c) Generally the portion of the shore road allowance to be closed and conveyed will be determined by straight line lot projections. As a result of the irregular nature of the shoreline, deviations from straight extensions of existing lot lines may be considered and may be required by the Municipality in these cases.

APPLICATION PROCESS

- a) Applicant completes and submits the Application for Shore Road Allowance Closing. A sketch, or survey if available, must be attached to the Application showing the property and proposed portion of the shore road allowance to be closed.
 - i) A deposit in accordance with the Fees and Charges By-law shall be submitted towards advertising, legal, and administration fees. Note: If the fees related to the processing of the closure are in excess of the deposit the applicant shall be responsible for all additional costs.
 - ii) Should the application be withdrawn or denied by Council the applicant will be refunded the balance of the deposit.
- b) Planning Coordinator receives the application plus deposit and directs to the Senior Management Team for review to collect comments, and then to Council for consideration. Coordinator notifies the applicant of Council's decision.
- c) If the application is approved by Council the applicant shall submit the following:
 - i) One electronic copy of the preliminary draft survey and four hard copies, prepared by an Ontario Land Surveyor, of the subject allowance showing all buildings. Draft plan to be approved by the Municipality. Note: The applicant is responsible for making arrangements for the survey with an

Ontario Land Surveyor. All costs associated with the survey are the responsibility for the applicant and are to be paid directly to the surveyor.

- ii) A letter showing willingness to be responsible for all legal costs and any additional costs to the Municipality in the processing of the application and by-law.
 - iii) Copy of existing deed of property owned by the applicant which abuts the subject allowance.
 - iv) Planning Coordinator advises the surveyor of approval of draft plan of survey. The structures may be removed from the reference plan once the Municipality has reviewed and approved the reference plan.
 - v) The Municipality must obtain an appraisal of the subject lands as set out in the reference plan, pursuant to the Appraisals section of the Comprehensive Land Policy. The applicant is responsible for all costs.
- d) Upon receipt of all of the required items in Section c) above the Planning Coordinator shall forward all documents to the Municipal Solicitor.
- e) The Municipal solicitor shall circulate the draft reference plan to relevant commenting agencies to receive any required consent to the closing of the shore road allowance.
- f) The Municipal solicitor shall prepare, and forward to the Planning Coordinator, the Public Notice which shall be published for one week in the local newspaper as determined by the Planning Coordinator, published on the Municipal website, and circulated to abutting land owners.
- g) If there are no legitimate and reasonable objections received, and the by-law is approved, the Municipality will provide to the applicant the costs of the land, plus HST.
- h) Once payment of land has been received the Planning Coordinator shall forward the documents to the Municipality's solicitor for deed preparation. The deeds will be delivered to the applicant upon receipt of all applicable outstanding costs.
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Road Allowance Closing Procedure

1. The applicant submits and application (with site plan) to the Municipality.

2. The application is presented to the Senior Management Team for review and comments, and then to Council for preliminary consideration.
3. The application is approved/rejected by Council.
4. If the application is for the purchase of an original road allowance, and it has been approved by Council in Step 3, an appraisal is required to set the purchase price of the lands, pursuant to the Appraisals section of the Comprehensive Land Policy. The applicant is responsible for all costs associated. The preparation of the preliminary plan may be requested prior to the appraisal.
5. If the application is for the purchase of an original road allowance, one-half of the road allowance is offered to the abutting land owner (if not involved in the initial application). The abutting land owner advises the Municipality if he/she wishes to exercise his/her option to purchase the abutting half of the road allowance. If this owner decides not to purchase his/her half of the road allowance, all of the road allowance may be offered to the original applicant.
6. If the application is approved by Council in Step 3, the applicant contacts an Ontario Land Surveyor and arranges for the preparation of the preliminary plan. The applicant submits six (6) copies of the preliminary plan to the Municipality together with the required deposit towards the cost of the application.
7. The Municipality provides notice of the proposed road closing in accordance with the Municipality's notice policy. Depending on the type of road allowance to be closed, this will include written notification to the neighbouring property owners and may also include advertising in the local newspaper.
8. The Municipality obtains the necessary approvals and notifies various agencies.
9. If there are no legitimate, and reasonable objections, the By-law is enacted by Council. Please note that if the road allowance is to be joined in title to a lot on a plan of subdivision, a deeming by-law is required pursuant to Section 50(4) of the Planning Act, R.S.O. 1990, C.P.13.
10. The Municipality arranges for the preparation and registration of the deeds; and the collection of the balance of the costs.
11. The applicable fee, deposits and purchase price of the road allowance is determined by Council from time to time pursuant to the Fees & Charges By-law.

The applicant is responsible for all costs incurred by the Municipality. The application will not proceed beyond Step 3 without the payment of the required deposits.

Section 4 - Access

Road Allowance Use/ Access Agreements

There are a number of public highways within the Municipality which are not maintained by the Municipality, but which are nevertheless owned by, or under the jurisdiction of the Municipality. In particular, these include unopened road allowances of various kinds and highways, streets and lanes shown on registered plans of subdivision, as well as highways laid out and built before January 1st, 2003 by persons other than the Municipality. The provisions of Sections 31(4) and 31(5) of the Municipal Act provides that the Municipality has no liability for maintenance of any of these highways, unless and until it passes a by-law in that regard.

From time to time, persons having properties abutting such highways request permission to do improvements on the surface of such highways to facilitate their own use of those highways. This policy establishes a framework to allow some work to be done, based on the following principles:

- The general public has the paramount right of passage on such highways.
- A private Land owner may make improvements provided that Municipality permission has been obtained.
- Such improvements are available for use by the public.
- By giving such permission, the Municipality is not assuming the responsibility for maintenance of such highways.

Access Agreements may be entered into for the use, alteration or improvement to an existing road allowance specifically for the purpose of access. Generally, an Access Agreement would formalize the improvements permitted to an existing original road allowance as travelled to enable improved access to an applicant's Land.

A by-law shall be prepared and presented directly to Council, to identify the road allowance subject to the Access Agreement as an unmaintained municipal road allowance, and appropriate signage shall be installed notifying the public that the subject road allowance is not maintained by the Municipality.

A reference plan may be required to describe the limits of the subject road allowance so that a by-law can be registered on title with the subject road allowance confirming its status as an unmaintained municipal road allowance. The reference plan also ensures that the applicant does not trespass onto adjacent properties.

The applicant is required to provide insurance to the satisfaction of the Municipality, and shall indemnify the Municipality from any and all liability pertaining to the developed section of unopened road allowance as a result of the approval of a Access

Agreement to make improvements.

An Access Agreement only provides the applicant with permission to make improvements to an unopened road allowance for access purposes and does not imply additional development rights on the Lands being accessed by the unopened road allowance.

Public Rights to Unopened/Opened Highways (including Road Allowances and Shore Road Allowances)

The common law right of passage across or along a highway, which includes a shore road allowance or road allowance, shall not be infringed, whether or not it is opened, unopened, used or not used, maintained or unmaintained by the Municipality, unless the Municipality passes a by-law restricting access or a by-law is passed to stop-up and close the highway, road allowance or shore road allowance.

Access restrictions may also be imposed through the issuance of an exclusive Access Agreement under this policy for use of a shore/road allowance, or portion of, whether opened or unopened, provided a by-law is passed to temporarily remove or restrict the common law right of passage.

Notwithstanding the above, the public does not have the right, without written permission of the Municipality, to cut down trees, remove natural obstructions, grade, or make any changes in any way with a view to permitting or enhancing safe passage for pedestrians and/or motor vehicles on Municipal Lands.

Any ongoing, regular maintenance required to maintain an unopened road allowance, (brush removal, tree maintenance, resurfacing/grading or any and all parts of winter maintenance) requires an Access Agreement.

Encroachments

No person shall, without Municipality approval, cause an Encroachment or in any way alter Municipal Lands, subject to any exceptions as contained in the Municipality's Encroachment By-law.

In accordance with the Municipality's Encroachment By-law, the Municipality may, at its sole discretion, require any Encroachment (or a portion thereof) to be removed. In the event the Land owner or the person causing the Encroachment refuses to comply, the Municipality may remove the Encroachment at its sole discretion and recover the costs in accordance with the provisions of the Encroachment By-law.

Registered Easements

The Municipality acquires and holds Easement rights over Land for various services and for public access purposes.

The terms and conditions of the Easement rights are specific to each piece of Land and are spelled out in the Easement document which is registered on title. Easement agreements contain clauses prohibiting various structures or kinds of activity or development that would impede the Municipality's ability to access and/or maintain the Easement.

Under no circumstances will the Municipality release its rights to any portion of an Easement unless it is being abandoned entirely. The request to abandon an Easement shall be initially based on the recommendation of the CAO and shall be at no cost to the Municipality.

In the situation where a Building or Structure has inadvertently been located on a municipal Easement, the Municipality has the right to require that the Encroachment be removed to ensure that access to the Easement is maintained. Under certain circumstances, where the CAO confirms that the Encroachment is of a minor nature which does not interfere with the Municipality's right of access or adversely affect the Municipality's interests in the subject Land, the Municipality will consider allowing the Encroachment to remain. In such circumstances, a Licence of Occupation may be required.

Fences and shrubs (less than 1.5 metres high) may be permitted over Municipality Easements, at the sole discretion of the CAO. The Land owner is responsible for disassembling and removing the fence, and relocating the shrubs upon the Municipality providing notice requiring access to the Easement. As such, the fence posts should be located outside of the Easement.

Paved driveways may be permitted to be placed over a Municipality Easement, at the sole discretion of the CAO, in consultation with the Manager of Public Works.

Public Access – Easements

Easements that have been established for public access (also known as a right of way) shall not be obstructed in any way. The Municipality will immediately remove any obstructions or structures over a public Easement at the expense of the Land owner in accordance with the Municipality's Encroachment By-law.

Purchase or Sale of Easement Rights

Generally, Easement rights are secured for a nominal value. In the event the Municipality is required to purchase Easement rights, or the CAO deems that a proposed or existing Easement over Municipal Land has additional Land value, the general principles of the Sale of Land shall apply to the transaction. The Municipality shall attempt to secure Fair Market Value for its interests in these situations, based on

an Appraisal.

Granting Easements

The granting of any Easement shall be subject to Council approval and shall be unfettered by any previous decisions.