



The Corporation of the Township of Georgian Bay

APPLICATION TO PURCHASE SHORE ROAD ALLOWANCE/ ROAD ALLOWANCE

99 Lone Pine Road
Port Severn, ON L0K 1S0

Phone (705) 538-2337
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OFFICE USE ONLY			
Date Received:		Application No:	
Received By:		Fees Paid:	Yes <input type="checkbox"/> No <input type="checkbox"/>
Date Accepted:		Complete Application:	Yes <input type="checkbox"/> No <input type="checkbox"/>

COMPLETENESS OF THE APPLICATION: This application form sets out the information that must be provided by the applicant, as prescribed in the various Ontario Regulations made under the Planning Act. It also sets out other information that will assist the Township and others in their planning evaluation of the proposal. To ensure the quickest and most complete review, this information should be submitted at the time of application. In the absence of this information, it may not be possible to do a complete review within the legislated time frame for making a decision. If the requested information, including the plans and fee, is not provided, the Township will return the application or refuse to further consider the application until the information, plans and fee have been provided.

1. Applicant:	
Full Name of Registered Owner(s) of Subject Property: (where the application is by several owners, add additional sheet with the same information for each property affected)	
Name(s)	DOB (YYYY-MM-DD):
	DOB (YYYY-MM-DD):
Mailing Address	
Telephone No.	
Email Address	
2. Subject Lands:	
Civic Address	
Roll Number	
Legal Description	
Waterbody	
Zoning	

Is a land swap being requested with the application? (if a Township Road runs through your property, we will request 20m of land in exchange for the SRA you intend to obtain ownership of). A survey showing both parcels of land will need to be completed by the applicant. Yes No

Any open / outstanding Building Permits on the property? Yes No

Reason for Purchasing Shore Road Allowance:

Letters of Authorization from Neighbouring Properties Attached Yes No
(REQUIRED WHEN LOT LINES WILL BE ALTERED)

Canadian Resident Yes No

Non-resident person means an individual who is not ordinarily resident in Canada, or who, if ordinarily resident in Canada, is neither a Canadian Citizen nor an individual who has been lawfully admitted to Canada for permanent residence in Canada.

Access

- Provincial Highway
- Municipal Road (All Season)
- Municipal Road (Seasonal)
- Right-of-Way
- Water Access Only

The Applicant(s) hereby authorize(s) the Solicitor for the Township to confirm my / our residency by affidavit at the time of the registration of the transfer of title of the road allowance to me / us as my / our authorized agent.

The Applicant(s) need to submit a **colour** photocopy of their photo identification (Driver's License / Passport) as well as a completed 'Attestation as to Identity' form (attached) to be submitted to our Solicitors in order for them to open their file(s). Surveys (or separate survey sketches) must show all structures located on the SRA / RA.

Legal Agreement

The Applicant agrees to allow the Administration Department to perform a site inspection at the property in consideration of this application. The Applicant shall provide two separate payments for the following:

1. Administration Fees in the amount of \$621.50 payable to the Township of Georgian Bay, plus \$100.00 per additional property, and
2. Deposit for legal costs and a file maintenance fee in the amount of \$1,150.00 payable to HGR Graham Partners LLP, in trust, per property (\$300 of which will be applied toward the purchase price owing by the Applicant so long as the Applicant complies with the timeframes set out in the Township’s Policies and Procedures for Shore Road Allowance Closings). Please refer to the Policies and Procedures that you received with this application for an estimate of the total legal costs and the purchase price of the land.

The Applicant agrees to pay all other costs associated with such a road closing including, but not limited to, all legal work, survey work and appraisal work that will be required in connection with the closure and sale of such road allowance pursuant to the Township of Georgian Bay’s Road Closing Policies and Procedures. The Applicant(s) understands, agrees, and adheres to all conditions of the Township of Georgian Bay’s Shore Road Allowance Closing Policies and Procedures attached hereto.

I/we certify that all statements and information provided in this application are true, accurate and current.

X

Applicant

X

Applicant

Date: _____

Date: _____

ATTESTATION TO IDENTITY

I, the Attestor named below, hereby certify that I met with _____
on the _____ day of _____, 20_____, and verified his/her identity by
examining her/her original identification document, being a, _____
(Driver's License / Passport)
a photocopy of which is made on this page or attached hereto. The photograph in the
identification document is a true likeness of the said person. To the best of my
knowledge and belief the identification document that I examined is valid and
unexpired.

Attested to at _____ this _____ day of _____, 20_____

Name of Attestor: _____

Profession, title, or capacity: _____

Address or Attestor for service: _____

Telephone number of Attestor: _____

X

Commissioner, etc.

POLICIES AND PROCEDURES – SHORE ROAD ALLOWANCE CLOSINGS

As per the current Fees and Charges By-law, the purchase price of Shore Road Allowance is \$12 per square metre and Road Allowance is \$8 per square metre, plus HST. Pre-consultation with the staff of Township on process, requirements, fees, etc., is advised prior to submitting an application.

No portion of a Township-owned Shore Road Allowance (SRA) or Road Allowance (RA) shall be closed if:

- a) It is part of a flood plain (but if there is an existing building on it, consideration may be given to closing and selling to the owner that portion of the SRA actually occupied by the building);
- b) The Township is not the registered owner of the SRA/RA;
- c) It is used for road or pedestrian access to an adjacent property or properties (unless an alternate, suitable access approved of by the owners of the properties affected and acceptable to the Municipality is provided);
- d) It is flooded land;
- e) It includes a portage trail;
- f) It is regarded as having historic or cultural value;
- g) It has been identified as required for recreational purposes of the Municipality;
- h) It is deemed to have a negative impact on neighbouring properties (however, in certain circumstances, a License of Occupation can be applied for giving the property owner exclusive use of the subject parcel of land);
- i) It is below the high-water mark on non-controlled bodies of water;
- j) The closure will result in conflicts with the Township of Georgian Bay Official Plan Policies, By-law regulations or procedures; or,
- k) Council agrees that the overall interest of the Township prevails.

To begin the process to purchase a SRA/RA, the Applicant or Group Leader must submit the following to the Township:

- a) Confirmation by either a solicitor acting on behalf of the Applicant / Group Leader or an Ontario Land Surveyor that the SRA is owned by the Township of Georgian Bay;
- b) A certificate of insurance for \$2 million naming the Township as a co-insured in a form and content satisfactory to the Township (if a permit is required prior to completion);
- c) A complete application including photocopies of identification (driver's license or passport) and an Attestation to Identify form for all applicants; and
- d) Applicable fees (application fees and legal retainer described in the application available from the Township).

Portions of SRA/RA will be closed only on application of; and will be sold only to the owner(s) of the abutting land (the 'Applicant'). Except in special circumstances where approval of Council has been obtained, an Applicant will not be permitted to purchase anything less than the entirety of the SRA which abuts the Applicant's property. In these

cases, the Applicant will be encouraged to purchase an amount of SRA that will give them the minimum required frontage for their zone.

Those who are successful in the purchase of the SRA / RA will not be granted consent in the future to create a new lot based on the increased property area unless there was adequate lot area before the purchase was completed. Only SRA / RA above the high-water mark (on non-controlled bodies of water) will contribute to lot area for planning application purposes.

The Township will comply with the notice requirements within the Statutes of Ontario for stopping up and closing road allowances. The Township will also send notice to:

- a) Abutting property owner(s) of the road allowance to be closed.
- b) Abutting property owner(s) of the property to which the road allowance is proposed to be joined in title.
- c) Any party that demonstrates an interest in the application.

The Township will only convey to the adjacent landowner the original 66' SRA / 33' RA or any part of the SRA/RA not covered by water, notwithstanding that the location of the water's edge at any given time may extend beyond the outer limit of the original SRA/RA laid out by the original surveyor of the Township.

Generally, the portion of SRA to be closed and conveyed will be determined by straight extensions of existing lot lines. Due to the irregular nature of the shoreline, deviations from straight extension of existing lot lines may be considered. For example, when the side lot lines of the lots are not perpendicular to the shoreline and to simply extend them would be to the disadvantage of one and to the advantage of the other. Land must be distributed amongst competing owners on a fair and equitable basis and a method of dividing the land has been approved. This method is to draw a line offshore roughly parallel to the general line of the shore. Perpendiculars are then drawn from the various lot corners to the imaginary line offshore. See attached Schedule 'A'.

Applicants will be encouraged to establish extension of lot lines by mutual agreement with abutting property owners. Council will consider deviations from the straight extension of existing lot lines in some circumstances (i.e., encroachments of existing structures.) The decision will be based on comments from the surveyor. A letter of agreement to the lot line extension from abutting neighbours may be required before approvals are granted.

The purchaser is responsible for all costs incurred by this transaction including, but not limited to: application fees, legal retainer, SRA/RA purchase fee, survey and Land Registry Fees.

Group applications to purchase the SRA 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.

A Group Application is when more than one but less than five residents of an area whom all wish to purchase their abutting SRA/RA fill out and submit applications for their respective properties. The 2-5 applicants must live close enough together to have all properties visible on one survey.

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 5 properties per group and applications must be submitted altogether.

Throughout the process, the Applicant or Group Leader will be required to submit:

- a) A site plan and draft survey plan prepared by a Surveyor. The site plan will depict all buildings, accessory structures, docks and septic systems located on the property (an Ontario Land Surveyor's registered plan is not required at this stage; however, a draft plan is);
- b) A digital copy plus one (1) paper copy of the reference plan of survey prepared and deposited in the Land Registry by an Ontario Land Surveyor which depicts the road allowance to be closed and total square metres of the parcel to be purchased.
- c) The balance of all legal costs.
- d) SRA/RA purchase price as required by the Township's Tariff of Fees By-law.
- e) Other fees for additional planning procedures that may be required (i.e. Zoning By-law Amendment, Deeming By-law, Site Plan Agreement, Bell and/or Hydro Easement, etc.)

Upon receipt of the completed application form and the required application fees, the Administration Department will undertake a review of the request, circulate the application to appropriate agencies for comment, and prepare a report with recommendations to Council on the merits of the application.

If the applicant's lot(s) was created by a registered Plan of Subdivision, the subject SRA/RA 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 concurrent application fee 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 SRA/RA to merge with the subject lot.

If the Applicant(s) decide to withdraw their application, a portion of the application fee will be retained by the Township depending on the amount of work completed on the file, and the legal costs to date will be payable by the Applicant(s).

If the Applicant(s) has not responded to the last correspondence received from the Township of Georgian Bay and/or the Solicitor with respect to a SRA matter within one (1)

year from the date of that correspondence, the Township and/or Solicitor will have the right to close the file and refund 50% of the original application fee paid to the Township and the applicant(s) will be responsible for legal fees to date. \$300 of the deposit for legal costs and file maintenance fee previously submitted by the Applicant(s) will be returned by the Township's solicitor to the Applicant(s).

The Applicant(s) will have 1 year from the passage of the by-law closing the SRA to provide the purchase funds to the Township and/or the Township's Solicitor and complete the purchase of the SRA. If the Applicant(s) fails to close the transaction within 1 year from the passage of the by-law closing the SRA, the Township and/or the Township's solicitor may close their files with respect to the transaction. In such event, the Applicant(s) will forfeit the entire \$1,150 legal cost and file maintenance fee together with such portion of the original application fee paid by the Applicant(s) to the Township as the Township deems reasonable. The Applicant(s) will be required to deposit an additional application fee and legal cost and file maintenance fee in order to re-activate the SRA purchase.

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 SRA/RA to the applicant.

The entire procedure can take anywhere from 3 to 12 months to complete depending on the applicant submitting the required documents; however, the applicant cannot be given any guarantees as to the time frame that will be required to process individual applications. Purchasers of all road allowances are to be made aware that such purchase may result in an increased assessment.

Building Permits will not be issued for structures on the parcel of SRA / RA until the sale has been completed in full

SCHEDULE A

