



THE CORPORATION OF THE TOWNSHIP OF PERRY

SUBJECT:	Shore Road Allowance and Road Allowance Closure Policy & Procedures	POLICY #: 2025-03	PAGE 1 of 16
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1. PURPOSE

1.01 To provide a policy and procedures in accordance with the *Municipal Act, 2001*, S.O. 2001, c.25 as amended, for the closure and sale of unopened road allowances and shore road allowances within the Township of Perry.

2. POLICY

2.01 The Council of the Corporation of the Township of Perry may consider the restriction, closure and sale of unopened road allowances and shore road allowances within the Township of Perry in its ownership or under its jurisdiction. All restrictions, closures or sales are at the sole and absolute discretion of the Council of the Corporation of the Township of Perry.

2.02 Definitions

In this policy:

- a) **"Clerk-Administrator"** means the appointed Clerk-Administrator for the Township (or designate).
- b) **"Council"** means the elected Council of the Corporation of the Township of Perry.
- c) **"Municipal Act, 2001"**, means *Municipal Act, 2001*, S.O. 2001, c.25, as amended.
- d) **"Public Road"** means a highway as defined by section 26 of the *Municipal Act, 2001* that has been assumed by the Corporation of the Township of Perry by By-law or otherwise in accordance with the *Municipal Act, 2001* for the purpose of classifying municipal highways for maintenance purposes. This may include travelled roads that are maintained year-round or seasonally by the Township.
- e) **"Road Allowance"** means an unopened allowance for a road made by Crown surveyors or set out on a registered plan of subdivision. Road allowances are commonly 66 feet wide (or one chain length) and often divide lots and concessions within a geographic township or between townships.
- f) **"Shore Road Allowance"** means an allowance for a road along the shore of a lake or river most commonly made by Crown surveyors. Shore Road

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Allowances are usually 66 feet wide (or one chain length) but may also include additional lands where there has been accretion. Shore Road Allowances may include flooded lands where the original and current water levels of the lake or river differ.

- g) **“Township”** means the Corporation of the Township of Perry.
- h) **“Township Solicitor”** means an external law firm representing the Corporation of the Township of Perry.

2.03 General Provisions

- a) Closure and sales of Shore Road Allowances and/or Road Allowances may be considered by Council upon receipt of an application from an interested party or parties. Approved applications may take 12-18 months to complete.
- b) Applicants seeking to purchase a Shore Road Allowance or Road Allowance must own property directly abutting the allowance. Further, applications may only be submitted for that portion of the Shore Road Allowance or Road Allowance directly abutting the applicant’s land.
- c) Council will typically consider applications at two separate meetings. At the first meeting, Council will consider whether to grant preliminary approval to the processing of the application. At the second meeting, Council will consider whether to pass a resolution to declare that the Shore Road Allowance or Road Allowance in question is surplus to the requirements of the Township and whether to pass a road closing by-law to authorize the closure and sale.
- d) The Township Solicitor will act on behalf of the Township in the closure and sale of all Shore Road Allowances and Road Allowances. Applicants will need to obtain separate legal representation to act on their behalf during this process.
- e) The land acquisition costs shall be calculated based on the square footage area of the Shore Road Allowance and/or Road Allowance to be closed and sold, as determined by the Reference Plan prepared by an Ontario Land Surveyor, and in accordance with the fees set out in the Township’s Fees and Charges By-law in place at the time the land is declared surplus. Harmonized Sales Tax (HST) is applicable in addition to the land acquisition costs.

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- f) The applicant is responsible for paying all land acquisition costs and all Township costs, including but not limited to, administrative, legal, surveying, and advertising, involved with the closure and sale of a Shore Road Allowance or Road Allowance (including for a land exchange as noted in Section 2.06). The applicant shall also be responsible for their own costs, including costs to retain their own solicitor.

- g) If an application for the closure and sale of a Shore Road Allowance or Road Allowance has been inactive for a period of six (6) months (no activity or communication on the part of the applicant), Township Staff have the sole discretion to declare the file to be terminated and in that event submission of a new application will be required to proceed. Upon termination of a file by the Township, all Township costs shall remain payable by the applicant and the Township shall be entitled to retain any fees or deposits received from an applicant. If the deposits received from an applicant are insufficient to reimburse the Township for its costs, then the applicant shall pay any outstanding costs to the Township within thirty (30) days of the Township's request. Should the applicant fail to make this payment, then the Township may add the outstanding costs to the tax roll of the applicant's property which abuts the Shore Road Allowance or Road Allowance and the said costs may be collected in the same manner as municipal taxes pursuant to Section 398 of the *Municipal Act, 2001*.

- h) Where there are existing encroachments on a Shore Road Allowance or Road Allowance that pre-date the submission of an application, the Township may require that the applicant provide the Township with proof of insurance in the amount of \$2 million dollars comprehensive general liability with the Township as an additional insured on the policy for the duration of the application should the applicant wish to maintain the encroachments on Township land and not remove them. Alternatively, in certain cases, Council, in its sole discretion, may require an applicant to enter into a formal Licence of Occupation Agreement in accordance with the Township's current policies and procedures (By-law 2020-15) for the duration of the application.

2.04 Shore Road Allowance

- a) The Township will not close and convey a Shore Road Allowance, or portion thereof, if it is deemed, in the opinion of the Township:
 - i) to have a negative impact on neighbouring owners of land,

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- ii) other landowners may be deprived of the sole vehicular access to their property,
 - iii) closure will result in conflicts with the Township Official Plan policies, by-law regulations or procedures, or
 - iv) where there is a Public Road on the Shore Road Allowance or between the Applicant's property and the Shore Road Allowance, if the Applicant does not own land between the Public Road and Shore Road Allowance.
- b) Generally, the portion of Shore Road Allowance to be closed and conveyed will be determined by straight lot line projections. As a result of the irregular nature of the shoreline, deviations from a straight lot line may be considered or may be required by the Township.
 - c) The Township does not convey any flooded portion of the Shore Road Allowance. Where a Shore Road Allowance that is the subject of an application is partially under water, Council may direct that the Township convey to the applicant the portion of the Shore Road Allowance above the controlled or normal high-water mark and any flooded portion of the Shore Road Allowance will remain in the ownership of the Township.

2.05 Road Allowance

- a) The Township may close and convey a Road Allowance when all the following criteria is met:
 - i) Other landowners will not be deprived of the sole vehicular access to their property, and
 - ii) The closure will not conflict with Township Official Plan policies, By-laws, or procedures.
- b) The Township will not generally consider the disposition of a road allowance leading to a waterbody, but Council may consider an exception to this general policy under certain circumstances and in Council's sole discretion.

2.06 Land Exchanges

Where application is made to exchange a Shore Road Allowance or Road Allowance owned by the Township for land owned by the applicant or for which the

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applicant has “paper title” (for example, a Public Road which deviates onto land registered in the applicant’s name) the following shall apply:

- a) This policy shall apply, with necessary modifications, to land exchanges involving the transfer of a Shore Road Allowance or Road Allowance to an applicant.
- b) The value of the land to be transferred to the Township and the land acquisition cost for the Shore Road Allowance or Road Allowance shall be determined by the Township in accordance with this policy and/or as Council may direct. Unless Council otherwise directs, where the value of the land to be transferred to the Township and the land acquisition cost for the Shore Road Allowance or Road Allowance are equal, there will be no consideration payable by either party; however, should the Township be of the opinion that the value of the lands are not equal then the application shall be put to Council for a determination of any consideration payable by either party. Notwithstanding the above, land exchanges involving a “paper title” transfer to the Township, especially for lands which are contain a public highway under the *Municipal Act, 2001*, may be unique and require specific Council direction.
- c) The applicant shall be responsible for payment of all of the Township’s costs of the land exchange, in accordance with the requirements of this policy, whether or not the land exchange is completed on the basis of no consideration being payable for the land.
- d) If the transfer of a portion of the applicant’s land to the Township would result in a ‘natural severance’ of the applicant’s property, thereby creating separately conveyable parcels of land owned by the applicant, the applicant, at their sole cost, shall be required to:
 - i) apply for and obtain a Zoning By-law Amendment to recognize the naturally severed lots as one lot for planning purposes (and/or any other amendments which may be required by the Township), prior to a land exchange being approved and/or finalized; and
 - ii) enter into a Section 118 Restriction under the *Land Titles Act* to provide that the applicant shall not transfer or mortgage/charge their property(ies) without the consent of the Township, which consent shall be provided if the naturally severed lots are transferred or mortgaged/charged in the same conveyance/instrument, which restriction shall be registered on title to the applicant’s property(ies).

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2.07 Initial Administration Fee

The applicant shall be responsible for paying an initial administration fee, in accordance with the Township’s current Fees and Charges By-law, which will cover the following tasks completed by Township Staff:

- a) Review of the application for completeness and creation of the new file.
- b) Review of proposal and communication with applicant respecting any matters raised by internal review prior to consideration of approval.
- c) Site visit of the subject land(s) (as required).
- d) Preparation of preliminary approval staff report to Council.
- e) Transfer of file to Township Solicitor with instruction letter.
- f) Direct applicant to proceed with preparing Reference Plan and Review of draft Reference Plan prior to Township Solicitor review.
- g) Distribution of Notice of Application to abutting landowners, if applicable.
- h) Preparation and presentation of surplus report, resolution(s), and by-law(s) to Council and the public at a scheduled Council Meeting.

2.08 Complete Application

- a) An application shall be considered complete by the Township when it receives:
 - i) A completed application, in the form attached as Schedule “A” hereto, with administration fee.
 - ii) Letter of Authorization, if the applicant has engaged the services of an agent to act on their behalf.
 - iii) Executed Cost Acknowledgement Agreement.
 - iv) Seasonal (summer) pictures of the Shore Road Allowance or Road Allowance.

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- v) A detailed sketch or site plan, “to scale”, which clearly shows the following:
 - 1) The location and measurements of all existing and/or proposed buildings/structures (including accessory buildings, and septic) on the applicant’s property.
 - 2) The location and measurements of all existing and/or proposed structures (including docks, boathouses) on the Township’s property.
 - 3) The distance from the buildings/structures/encroachments to the abutting lot lines and from the shoreline (where applicable).
 - 4) Existing vegetation, roads, driveways, and paths.
- b) Complete applications will be reviewed by the Clerk-Administrator, taking into consideration the provisions of the Township Official Plan, and other applicable laws, by-laws, policies, procedures, or practices. Additional research or information may be required based on Staff review and/or applications may be recommended for preliminary approval subject to conditions requested by a specific Township Department.

2.09 Preliminary Approval

- a) After completing the application review and ensuring it meets all requirements of this policy, Staff shall prepare a report for Council, who will consider and determine whether to grant preliminary approval for the closure and sale of a Shore Road Allowance or Road Allowance.
- b) If preliminary approval is granted, Staff will contact the applicant, advising them of next steps in the process, including costs relating to legal, advertising, and land acquisition (pursuant to the Township’s Fees and Charges By-law in effect at the relevant time). At this time and if not already provided, Staff will request the applicant remit the deposit to the Township, as per the Township’s Fees and Charges By-law.

2.10 Reference Plan

- a) If preliminary approval is granted, Staff will also advise the applicant that a survey (Reference Plan) must be prepared by an Ontario Land Surveyor at their expense. Said survey shall include/illustrate the following:

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- i) the Shore Road Allowance and/or Road Allowance to be closed, and any portion lying above and below the normal or controlled high water mark as separate part(s) on the plan.
- ii) Township preliminary approved property lot lines.
- iii) The location, measurements, and distances of all existing structures on the applicant’s property and Township property to the abutting lot line and from the shoreline (if applicable).
- iv) All encroachments on the Shore Road Allowance or Road Allowance from the neighbouring property(s).
- v) All utility lines, poles, and other related equipment.
- vi) Existing vegetation, roads, driveways, and paths.

NOTE: The structures may be removed from the Reference Plan once the Township has reviewed and approved the Plan. The draft Reference Plan **MUST NOT** be deposited in the Land Registry Office until approved by the Township in writing.

- b) Where a sketch, site plan, or survey (Reference Plan) discloses existing building encroachments on the Shore Road Allowance or Road Allowance, the Township may request that the applicant provide the Township with the insurance requirements set out in Section 2.03(h). The insurance requirements must be received by the Township before any further steps are taken on the application. Where building encroachments are identified prior to preliminary approval, Township Staff will identify in their report to Council that Council has the ability to require a formal Licence of Occupation Agreement and Township Staff will provide Council with a recommendation on whether this should be required for the specific application. Should building encroachments be identified after Council has provided preliminary approval, Township Staff will bring the file back to Council for a determination on whether a formal Licence of Occupation Agreement is required. Should Council require the applicant to enter into a formal Licence of Occupation Agreement (further to By-law 2020-15) for the duration of the application, then the Licence of Occupation Agreement must be entered into before any further steps are taken on the application.

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2.11 Township Solicitor

If preliminary approval is granted, the Township will forward a letter of instruction along with the necessary documents to the Township Solicitor to proceed with the file.

2.12 Notice to Abutting Landowners

- a) Abutting landowners will be circulated the Notice of Application with a copy of the draft Reference Plan illustrating the proposed lot line extensions, to their last known address as shown in the municipal tax system via regular mail. If the mail is returned or no response is received within 14 days, the application shall proceed as normal. Abutting landowners who have previously closed their Shore Road Allowance will not be circulated on Shore Road Allowance closures as the lot lines have already been determined.
- b) If concerns are identified by any of the circulated abutting landowners, Township Staff will attempt to resolve the concerns in consultation with the abutting landowners and the applicant. Where a resolution between the parties is not possible, the matter will be referred with a staff report to Council for their consideration.

2.13 Procedure for Closure and Sale

- a) Upon receipt of the draft Reference Plan, the Clerk-Administrator will:
 - i) Review the draft Reference Plan and, upon approval of the draft Reference Plan by Township Staff in consultation with the Township Solicitor, advise the applicant or surveyor, in writing, that the applicant's surveyor may deposit the Reference Plan in the Land Registry Office.
 - ii) Calculate the land acquisition cost and provide the amount, plus the amounts for any other costs of the Township, to the Township Solicitor.
 - iii) Prepare the final staff report with a recommendation on the by-law to stop up and close the Shore Road Allowance or Road Allowance.
 - iv) At the scheduled public meeting, provide Council with any written comments from the public that may have been submitted and, should Council decide to approve the closure and sale, ensure the resolution

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declaring the land surplus and the road closing by-law are then passed concurrently in that order by Council.

- v) Forward the resolution, executed road closing by-law(s) and Clerk's Affidavit to the Township Solicitor for preparation of the necessary electronic documents for registration.
 - vi) Execute all applicable transfer documentation provided by the Township Solicitor.
- b) Upon forwarding the application file to the Township's Solicitor, Township Staff shall, at the appropriate time, instruct the Township Solicitor to take the following steps:
- i) Perform a sub-search of the title to confirm ownership of the Shore Road Allowance or Road Allowance, that the applicant is the owner of the property abutting the Shore Road Allowance or Road Allowance to be closed, and whether a Deeming By-law or Certificate of Cancellation under the *Planning Act* is required to ensure the merger of the applicant's abutting property with the Shore Road Allowance or Road Allowance to be closed.
 - ii) Review the draft Reference Plan to ensure it meets Township requirements and pre-approved lot lines.
 - iii) Circulate a Notice of Circulation to various agencies that are likely to have an interest in the application, for the purpose of obtaining their approval or comments (i.e. Hydro One Networks, Bell Canada, Enbridge Gas, Public Works Government Services Canada). Concerns of agencies will be addressed via easement or other attempt at resolution. Applicants may be required to amend their draft Reference Plan to provide a registerable legal description for utility easements.
 - iv) Upon receipt of an electronic copy of the deposited Reference Plan, the Township Solicitor shall request a Council meeting date from the Clerk-Administrator.
 - v) Prepare and submit the Public Notice to the Clerk-Administrator via email for circulation/posting in accordance with the Township's current Provision of Notice By-law.

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- vi) Prepare and submit the road closing by-law, together with all required affidavits, resolutions, and exhibits, to the Clerk-Administrator via email.
- vii) Correspond with the Applicant's Solicitor to advise of any requirements for merger of land (for example a Deeming By-law, Notice of Cancellation under the *Planning Act*, Application to Consolidate (if possible), etc.).
- c) Once the road closing by-law has passed, the Township's solicitor will then:
 - i) Provide correspondence to the Applicant's Solicitor regarding the total costs payable on the application, including the land acquisition cost, HST, and all Township Costs, along with any other requirements of the Township to be completed by the Applicant/their solicitor prior to closing.
 - ii) Prepare any documents necessary for execution by the Applicant, as well as for registration on title including, where applicable, Application to be Entered as Owner, Highway Lands Application, Application By-law Deeming Plan Not on a Plan, Application to Register By-law, Transfer Easements, Transfer/Deed of Land, and any other documents which may be necessary for the closure and sale.
 - iii) Obtain all required signatures from the Township.
 - iv) Forward appropriate draft documents to Applicant's Solicitor for execution and/or registration.
 - v) Confirm certification of all registered documents by the Land Registry Office and, where required, complete sub-search to confirm the new legal descriptions and creation of any new PINS.
 - vi) Provide a final report to the Township.
- d) The Applicant shall instruct their Solicitor to ensure the following items are completed, subject to direction from the Township and/or Township Solicitor:
 - i) Facilitate payment of all required costs by their client directly to the Township. The expectation is that these costs will be paid to the Township within thirty (30) days of the Applicant's Solicitor receiving notification of the amount of costs to be paid.

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- ii) Arrange for the execution of any documents required by the Township and provide the executed documents to the Township Solicitor prior to the release by the Township Solicitor of the Transfer/Deed of Land for registration.
- iii) If required to ensure merger of the Shore Road Allowance or Road Allowance with the applicant's abutting land, to obtain a Certificate of Cancellation pursuant to section 53(45) of the *Planning Act* from the Southeast Parry Sound Area Planning Board and register the Certificate of Cancellation on title to the applicant's abutting lands. Proof of registration of the Certificate shall be submitted to the Township's Solicitor prior to the Township's Solicitor releasing the Transfer/Deed for registration.
- iv) Review and register on title required documents including the Transfer/Deed of Land. The Transfer/Deed of Land shall be registered by the Applicant's Solicitor as soon as possible after the document has been released for registration by the Township Solicitor.
- v) If required by the Township, provide a Solicitor's Undertaking to register an Application to Consolidate Parcels. This may be required where the Shore Road Allowance or Road Allowance and the applicant's abutting land have the same Estate Qualifier (i.e. Land Title Absolute or Land Titles Conversion Qualified). The Solicitor's Undertaking must provide that the Application to Consolidate Parcels will be registered within thirty (30) days of the registration of the Transfer/Deed of Land with proof of registration being provided to the Township's Solicitor upon completion.
- vi) Should an Application to Consolidate Parcels not be possible due to the requirements of the Land Registry Office for same, or not otherwise required by the Township, upon registration of the Transfer/Deed of Land, the Applicant's Solicitor shall provide written confirmation to the Township's Solicitor, with accompanying evidence (i.e. sub-searches) that the Shore Road Allowance or Road Allowance has been registered in the same name as the applicant's abutting lands and that the parcels have merged for the purpose of the *Planning Act*. The Applicant's Solicitor may be required to provide a Solicitor's Undertaking with respect to the above.
- vii) Forward all required executed and/or registered documents to the Township Solicitor.

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3. ADMINISTRATION

3.01 This policy shall be adhered to by all elected officials and employees of the Township.

3.02 The Clerk-Administrator is granted the authority to amend the attachments to this policy.

4. ATTACHMENTS

4.01 Attachment A – Shore Road Allowance and Road Allowance Closure Application

4.02 Attachment B – Notice of Application

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Attachment A

Shore Road Allowance & Road Allowance Closure Application



Name:			
Address:			
Phone:			
Email:			
Civic Address:			
Property Roll #:			
Name of Lake:			
Plan #	Part:	Concession:	Lot:
Solicitor Name, Address, Telephone/Email:			

Submitted with this application is the following:

- a) Administration fee, as per the current Fees and Charges By-law.
- b) Seasonal (summer) pictures of the lands to be purchased.
- c) A detailed sketch or site plan, "to scale", which clearly shows the following:
 - i) The location and measurements of all existing and/or proposed buildings/structures (including main dwelling, accessory structures, septics) on the applicant's property.
 - ii) The location and measurements of **all** existing and/or proposed structures on the Township's property (including docks, boathouses, firepits, etc.).
 - iii) The distance from the buildings/structures to the abutting lot lines and from the shoreline.
 - iv) Vegetation, roads, driveways, and paths.
- d) Letter of Authorization, if the applicant has authorized an agent to act on their behalf.
- e) Cost Acknowledgement Agreement.

NOTE: The deposit, as set in the current Fees and Charges By-law, is not required to accept the application. However, the applicant shall be required to provide the deposit to the Township should Council grant preliminary approval to the application and prior to any further steps being taken. It is required prior to completing any of the process after Section 2.09 of this policy. Alternatively, the deposit may be remitted at the time of the application.

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1. I/We confirm that I/We have read and understand the Shore Road Allowance and Road Allowance Closure Policy and agree to abide by this policy.
2. I/We acknowledge that I/We will be responsible for paying all legal, surveying, advertising, and administrative costs of the Township involved in the Shore Road Allowance or Road Allowance closure and will be obliged to pay to the Township the land acquisition cost as per the current Fees and Charges By-law for the property.
3. I/We confirm that there is no foot or vehicular traffic that passes through the Shore Road Allowance or Road Allowance to be closed and access to no other property will be denied by virtue of said closing.
4. I/We confirm that there are no easements, verbal or written, registered or unregistered, that apply to the said Shore Road Allowance or Road Allowance to be closed.
5. I/We acknowledge that any approval that may be given to this application by the Township of Perry is subject to all other approvals being obtained from all other statutory bodies, failing which this application cannot be approved.
6. I/We authorize Township staff to enter onto the subject lands to conduct a site visit in accordance with the processing of this application, if required.
7. I/We acknowledge that my/our name(s) and civic address will be public record information for the purpose of Council Reports, Notices, and Public Meeting.

Dated this _____ day of _____, 20_____.

Signature

Signature

The completed application form, along with the administration fee and supporting documents, may be submitted to the Clerk-Administrator:

In-Person or by Mail: 1695 Emsdale Road, PO BOX 70
Emsdale, ON P0A 1J0
Email: beth.morton@townshipofperry.ca or info@townshipofperry.ca
Fax: 705-636-5759

The personal information on this form is being collected pursuant to the Municipal Freedom of Information and Protection of Privacy Act and the Municipal Act, 2001, for the principal purpose of processing this application. Questions about this collection should be directed to the Freedom of Information Officer at 705-636-5941.

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Attachment B

Notice of Application

This **Notice of Application** is to advise you that an application has been received by the Township of Perry from _____, registered owner(s) or property located at _____ to close and convey the Shore Road Allowance or Road Allowance adjacent to their property.

Please refer to the attached Reference Plan which has been submitted to the Township clearly illustrating the applicant’s property, the immediately adjoining properties, proposed lot lines and the subject township-owned land proposed to be closed.

A Public Meeting will be held with respect to the proposed Shore Road Allowance or Road Allowance closure. Said meeting will be advertised on the Township’s website, www.townshipofperry.ca, under “News and Notices” and promoted on the Township’s social media platform (Facebook). Any comments and/or concerns must be received by the Clerk-Administrator prior to the meeting. I/We understand that I/We am responsible for monitoring the Township’s website and/or social media should I/We wish to know the date of the said meeting.

- Yes, I/We support** this application and proposed lot line projections.
- Yes, I/We have concerns** with this application and will submit them in writing to the Clerk-Administrator.

I/We, _____ are the registered owners of land abutting the above noted property and have reviewed the draft Reference Plan and understand that we will have the opportunity to review and comment prior to the public meeting.

Dated this _____ **day of** _____, **20**_____.

Signature

Signature

We kindly request your response to this circulation via email to beth.morton@townshipofperry.ca or by mail no later than 4 p.m. on _____, 20____.

If you have any questions, please contact the Township of Perry at 705-636-5941 or by email at beth.morton@townshipofperry.ca.

The personal information on this form is being collected pursuant to the Municipal Freedom of Information and Protection of Privacy Act and the Municipal Act, 2001, for the principal purpose of processing this application. Questions about this collection should be directed to the Freedom of Information Officer at 705-636-5941.

APPROVED BY:	Council	ISSUE DATE: December 17, 2025	REVISION DATE:
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