

**Planning Advisory and
Committee of Adjustment
Members**

Chair - Sue Dunfield
Bastard & South Burgess Ward

Bastard & South Burgess Ward
Paula Banks

North Crosby-Newboro Ward
Debbie Hutchings
Ron Pollard

South Elmsley Ward
Jeff Banks

Arie Hoogenboom, Mayor

Public Member
George Bracken

**Development Services
Department**

Tom Fehr, Manager of
Development Services

Brett Cavanagh
Chief Building Official

Brett Moreland
Deputy Chief Building Official

Foster Elliott
Associate Planner

Tracy Perrin
Development Services Analyst

Amy Schur
Development Services Analyst

Kayla Porter
Development Services Analyst



1439 County Road 8, Delta, ON K0E 1G0
T. 613.928.2251 | 1.800.928.2250 | F. 613.928.3097
rideaulakes.ca

**ROAD ALLOWANCE CLOSURE &
PURCHASE REQUEST APPLICATION**

Pursuant to the Municipal Act the Township has the ability to pass by-laws for stopping up all or part of a highway and for leasing or selling the same. All road allowances are considered highways under the Municipal Act. This application outlines the procedure required to apply to close all, or a portion of, a road allowance.

The following is an overview of the Road Closing *Application/Review Process*. There are two procedures, one general process as well as one procedure for highways under joint jurisdiction. The general process is:

1. At the outset, applicants are required to consult with Township staff in the Development Services Department regarding any proposal to determine the type of approval required.
2. Applicants shall use the prescribed form to submit their request. All applications are made to the Township's Development Services Department. The application must be complete (see below) at time of receipt. Failure to make a complete application will cause the application to not proceed.
3. The application will be circulated by staff to all relevant agencies and/or departments for review and comment.
4. Following receipt of comments staff will complete a detailed review of the application and take a report with a recommendation to the Planning Advisory and Committee of Adjustment. At the meeting the applicant and any member of the public will be provided an opportunity to comment.
5. During the meeting, the Committee will make a recommendation to Council to approve/deny the application based on facts presented in the planning report/presentation; and based on input received and/or the applicant. The Committee may also defer their decision pending the receipt of additional information.
6. If a recommendation of approval or denial to Council is made, the application will then go to the next available Council Meeting where Council will make the final determination on whether or not to proceed with the road allowance closure request.
7. If Council denies the request, the application process is complete.
8. If Council approves the request this initial approval is made 'in principle'. The highway closure and disposal process can now commence.

9. Should #8 occur, the application, staff report, Council determination and any other relevant information shall be forwarded to the Township's Solicitor by staff.
10. Prior to the Solicitor proceeding, a deposit in the amount of \$4,000 is required by the applicant to the Solicitor for administration costs, lawyer fees, purchase price of land etc. Any balance will be returned to the applicant when the procedure is complete. Any balance owing will be collected from the applicant prior to the transfer of land to the applicant. Any and all costs borne through the process shall be covered by the applicant.
11. The Solicitor conducts title searches as necessary to confirm title of the land in question.
12. The Solicitor contacts all relevant agencies, such as (but not limited to) the United Counties of Leeds and Grenville, Ministry of Transportation, Bell Canada, Hydro One, Ministry of Northern Development, Mines, Natural Resources and Forestry, and in certain cases the Government of Canada. Letters approving the proposed closing may be required from specific agencies in accordance with the Municipal Act, 2001, S.O. 2001, Chapter 25, as amended. Should any relevant agencies have concerns with the proposed closing, the Solicitor will attempt to resolve the concerns prior to the By-Law being brought to Council for approval. An example of such concern may be the need to enter into an Easement Agreement with Hydro One to confirm their continued right to use a previously undocumented easement across the portion of the road allowance to be closed upon which Hydro One has located a transmission line.
13. The Solicitor obtains a survey showing the parts to be closed and conveyed to the respective adjacent landowner(s).
14. The Solicitor prepares a Notice of Public Meeting re the Closing and provides the Notice to the Manager of Development Services for a Council hearing date. The Solicitor handles the publication of the notification in accordance with the Township's relevant Giving of Public Notice Policy.
15. The proposed closure is discussed at the Public Meeting as advertised. Council is required to listen to any objections by any person who claims they will be affected by the proposed closure.
16. Provided there are no valid objections, and upon receiving evidence that all advertising and notice requirements have been adhered to, Council then passes a by-law, which has been prepared by the Solicitor. The by-law must adhere to the Township's relevant Sale or Disposal of Real Property Policy.
17. Following the passing of the by-law it is registered on title by the Solicitor, and a valid Transfer/Deed, and associated documentation is provided to the applicant, upon payment by the applicant to the Township of the agreed purchase price (if applicable), and all of the balance outstanding to the Solicitor for the costs involved in the process, such as, but not limited to, surveying fees, appraisal, legal fees and disbursements, and advertising costs.

The procedure for highways under joint jurisdiction is as follows:

1. At the outset, applicants are required to consult with Township staff in the Development Services Department, and regarding any proposal to determine the type of approval required.
2. Applicants are required to consult with the relevant staff member from the other municipality having jurisdiction and provide a contact person for Township staff to consult with.
3. Applicants are to be advised by Township staff that approval from both municipalities having jurisdiction will be required in order to formally close the highway. The policies and procedures of the other municipality may apply and may be different than those required by the Township.
4. Applicants shall use the prescribed form to submit their request. All applications are made to the Township's Development Services Department. The application must be complete (see below) at time of receipt. Failure to make a complete application will cause the application to not proceed.

5. The application will be circulated by staff to all relevant agencies and/or departments, as well as the other municipality having jurisdiction, for review and comment.
6. Following receipt of comments staff will complete a detailed review of the application and take a report with a recommendation to the Planning Advisory and Committee of Adjustment. At the meeting the applicant and any member of the public will be provided an opportunity to comment.
7. During the meeting, the Committee will make a recommendation to Council to approve/deny the application based on facts presented in the planning report/presentation; and based on input received and/or the applicant. The Committee may also defer their decision pending the receipt of additional information, as well as any comments received from the other municipality having jurisdiction.
8. If a recommendation of approval or denial to Council is made, the application will then go to the next available Council Meeting where Council will make the final determination on whether or not to proceed with the road allowance closure request.
9. If Council or the other municipality having jurisdiction denies the request, the application process is complete.
10. If Council approves the request this initial approval is made 'in principle'. The highway closure and disposal process can now commence.
11. Should #8 occur, the application, staff report, Council determination and any other relevant information shall be forwarded to the Township's Solicitor by staff. Township staff may work with staff from the other municipality having jurisdiction to determine the choice of Solicitor as a coordinated approach shall be encouraged. Steps 12-16 may be amended to meet the intent based on the coordinated approach between municipalities.
12. Prior to the Solicitor proceeding, a deposit in the amount of \$4,000 is required by the applicant to the Solicitor for administration costs, lawyer fees, purchase price of land etc. Any balance will be returned to the applicant when the procedure is complete. Any balance owing will be collected from the applicant prior to the transfer of land to the applicant. Any and all costs borne through the process shall be covered by the applicant.
13. The Solicitor conducts title searches as necessary to confirm title of the land in question.
14. The Solicitor contacts all relevant agencies, such as (but not limited to) the United Counties of Leeds and Grenville, Ministry of Transportation, Bell Canada, Hydro One, Ministry of Northern Development, Mines, Natural Resources and Forestry, and in certain cases the Government of Canada. Letters approving the proposed closing may be required from specific agencies in accordance with the Municipal Act, 2001, 5.0. 2001, Chapter 25, as amended. Should any relevant agencies have concerns with the proposed closing, the Solicitor will attempt to resolve the concerns prior to the By-Law being brought to Council for approval. An example of such concern may be the need to enter into an Easement Agreement with Hydro One to confirm their continued right to use a previously undocumented easement across the portion of the road allowance to be closed upon which Hydro One has located a transmission line.
15. The Solicitor obtains a survey showing the parts to be closed and conveyed to the respective adjacent landowner(s).
16. The Solicitor prepares a Notice of Public Meeting re the Closing and provides the Notice to the Manager of Development Services for a Council hearing date. The Solicitor handles the publication of the notification in accordance with the Township's relevant Giving of Public Notice Policy.
17. The proposed closure is discussed at the Public Meeting as advertised. Council is required to listen to any objections by any person who claims they will be affected by the proposed closure.

18. Provided there are no valid objections, and upon receiving evidence that all advertising and notice requirements have been adhered to, Council then passes a by-law, which has been prepared by the Solicitor. The by-law must adhere to the Township's relevant Sale or Disposal of Real Property Policy.
19. Following the passing of the by-law it is registered on title by the Solicitor, and a valid Transfer/Deed, and associated documentation is provided to the applicant, upon payment by the applicant to the Township of the agreed purchase price (if applicable), and all of the balance outstanding to the Solicitor for the costs involved in the process, such as, but not limited to, surveying fees, appraisal, legal fees and disbursements, and advertising costs.

Who will review the Road Allowance Closure & Purchase Request Application?

The Township's Planning Advisory and Committee of Adjustment is the authority charged with the task of reviewing all road allowance closure and purchase request applications. The Committee is comprised of 5 members of Council. Public meetings generally occur on the **second and fourth Wednesday of each month**. While the meetings are commonly held at the Township's municipal office, special circumstances may warrant the holding of a public meeting at one of the municipality's community centres. Applicants are advised to consult with Township staff prior to their scheduled meeting date to verify its time and location.

How will the public meeting be run?

- 1) All applicants and persons wanting to speak to an application are asked to wait outside until the meeting begins.
- 2) The Chair of the Committee will announce each application as it occurs on the meeting agenda.
- 3) A staff member will provide an overview of the application as well as a recommendation.
- 4) The Chair will ask the applicant if he/she has anything to add to the review of their application. Members of the public and relevant commenting agencies will then be provided with an opportunity to comment.
- 5) Following input from the applicant and any other person/agency, the Chair will ask members of the Committee if they have any questions for staff or the applicant.
- 6) Once all comments/questions are addressed, the Committee will make a recommendation to proceed with the request, deny or defer the application. The recommendation if for proceeding with the request or denial, will then goes to the next available Council Meeting for a decision on next steps. A deferral may allow an applicant to provide the Committee with additional information/studies or revise their application in a manner that would facilitate a future decision.

How Will Staff Review Your Application?

Application Fees

Consult the User Fees and Charges By-law for the application fee. All fees must be submitted with a complete application in order for the application to be accepted by the Township. The municipality's Fee Schedule sets out the applicable cost of a road closure application. These fees are not refundable.

Specialized Studies

Please be advised that the Township may require that specialized studies be completed. The need for such studies may be determined from the outset based on the location of the road allowance, or following a site inspection through which staff may identify potential hazards or conditions requiring consideration. Consultation with staff is again encouraged.

Assessment Criteria

The review process seeks to be fair to the applicant and transparent. Council holds the public's long term interest in the lands and use of the lands as paramount. Once a road allowance is closed and conveyed those public lands are gone indefinitely.

While each request is reviewed individually and different considerations apply to each application, the request will be reviewed primarily against the following criteria:

1. Does the road allowance lead to water?
2. Can the road allowance be used for future transportation purposes?
3. Will the closing and conveying of the road allowance restrict access to any parcels of land?
4. Does the proposal represent good long-term land use planning?
5. Does the proposal seek to resolve a problem? Are there other options?

Due to the specific nature of each road closing request, Council's approval to close one portion of a road allowance does not indicate approval of all of the road allowance to close.

5 KEY FACTORS that may facilitate the approval of your application:

- 1) Meet with a Township Planner prior to the submission of your application. Staff may be able to identify potential issues and opportunities which could affect your proposal. In addition, staff may be able to present you with options to make your proposal more acceptable.
- 2) Ensure that the application is **complete** and that the information provided is **accurate**. Delays in the Township's review of an application commonly stem from a lack of detailed information. A detailed and accurate drawing can be extremely beneficial in the overall review of a particular proposal.
- 3) Contact the Township prior to the scheduled public meeting to obtain a copy of the staff report and to more-fully understand the recommendation being provided to the Committee.
- 4) It is highly recommended that you attend the public meeting to answer questions from the Committee.
- 5) Contact Township staff the day following the meeting to determine how to proceed.

Frequently Asked Questions

1. *How can I find out if my application will be approved before I submit the package and pay the fee?*
Staff are available to review the application prior to its submission. Staff will provide as much guidance as possible based on their knowledge of the Township's planning documents, the history of Committee decisions on similar applications, and the circumstances of the individual proposal. Applicants should be advised that while staff have a good understanding of the Township's regulations and policies and how the Committee has reviewed similar applications in the past, it is not always possible or advisable for staff to be absolutely confident on how successful an application will be. **Each application must be reviewed with regard for site-specific constraints and the general scope of the proposal.**
2. *When do I need to have my application in to get on an agenda?*
Generally, **30 days prior to the meeting** is sufficient to allow staff enough time to fully-review the application. Periods of peak development activity throughout the summer months may cause an increase in the time required to review and schedule an application for a public meeting.
3. *How is the application fee determined?*
Council sets the fee schedule each year. The fee is set based upon a calculation of staff time, mileage to travel to the site, Committee member stipends, file storage costs, and general administration of the process.
4. *Do I need to have a professional prepare and submit my application?*
The nature or extent of the request may benefit from the expertise of someone who has an understanding of the planning process and the requirements of the applicable documents.
5. *Will a staff planner visit my property prior to an application being submitted?*
The Development Services Department strives to provide such a service dependent upon other workload priorities. Generally, staff are able to communicate the intent and purpose of the Township's regulatory documents by reviewing a particular proposal with the applicant and through the use of the municipality's Geographic Information System (GIS). This preliminary review can save time and associated costs for both the Township and the applicant. In all cases however, staff will visit the property once an application has been received by the Township. Applicants may be required to provide access to the property should such a need arise (e.g. island lots).

**ROAD ALLOWANCE CLOSURE & PURCHASE REQUEST APPLICATION
– CHECKLIST –**

The following must be provided in order for the application to be deemed **complete**. Incomplete applications will not be reviewed.

Application Form ***[all sections must be complete]***

A map of the proposed road allowance segment requested to be closed and conveyed, including:

- Boundaries and dimensions
- Adjacent land parcels
- Use of adjacent land parcels
- Location of buildings on adjacent land parcels
- Location of any existing rights-of-way/easements on allowance or on any adjacent parcel
- Identification of steep slopes, rock outcroppings, low-lying areas and other topographical features that may affect drainage patterns on and off site
- Identification of other natural features (e.g. wetlands, woodlots, watercourses, etc.)
- Identification of artificial features (e.g. roads, trails, hydro poles and lines, utilities, ditches, drains and wells)

Application Fee (as per fee by-law)

Copy of Property Transfer / Deed of Land (that you own) Adjacent to Road Allowance

NOTE: Large scale drawings/surveys may be submitted however in all cases copies must also be provided on Ledger-sized paper (11" x 17") or smaller for copying purposes.

NOTE: Electronic submittals in PDF format are welcome and encouraged.



Road Allowance Closure & Purchase Request Application

OFFICE USE ONLY

Date Received: _____ File Number: _____
Application Fee: _____ Roll Number of Adjacent Property: _____
Fee Paid (date): _____
Application deemed complete (date): _____

*** Prior to submitting this application you are encouraged to consult with a Township planner.**

1.0 APPLICANT INFORMATION

Name(s): _____

Address: _____

Phone: (home) _____

Please check the one that applies:

Owner of Adjacent Lands

Authorized agent

Solicitor

Other Professional: _____

Email: _____

Phone: (cell) _____

**2.0 LEGAL DESCRIPTION / LOCATION OF THE SUBJECT LAND ADJACENT TO
ROAD ALLOWANCE CLOSURE & PURCHASE REQUEST**

County

Township

Ward (Former Township)

Legal Description:

Civic/911 Address:

Assessment Roll No.

3.0 Road Allowance Closure & Purchase Request Area Characteristics

Description of road allowance area (i.e. adjacent to lot 1, con 2):	
Size:	
Length:	Depth:

Please provide a brief description of the proposed road allowance closure area taking into account factors such as: soil type & depth, road configuration, steep slopes or low-lying areas, natural features and any other item that may impact the proposal. Also, please include a description of the use of lands surrounding the lot.

4.0 DIRECTIONS TO THE ROAD ALLOWANCE CLOSURE & PURCHASE REQUEST LOCATION

5.0 RECORD OF PREVIOUS LAND USE AND PLANNING ACTIVITY

Previous Uses	Yes	No	Unknown
1) Has there been any industrial or commercial use on the road allowance closure request lands or any adjacent lands?			<input type="checkbox"/>
2) Has there been any petroleum or other fuel stored on the road allowance closure request lands or any adjacent lands?			<input type="checkbox"/>
3) Is there any reason to believe the road allowance closure lands may have been contaminated by former uses on the site or any adjacent lands?			<input type="checkbox"/>
4) Are there any other previous land uses that ought to be given particular consideration in the review of this application?			<input type="checkbox"/>

6.0 ROAD ALLOWANCE CLOSURE REQUEST

Please:

1. Describe the proposal and explain the reason(s) for the requested closure and conveyance of the road allowance. Please refer to any supplementary materials that may be used in support of the request.
2. Indicate the existing state/use (ex. trail) of the road allowance closure request.
3. Indicate the proposed use of the road allowance closure request.
4. Provide any additional information that you feel may be relevant in the review of this application.

*Documents may be attached as necessary

Affidavit

I/We, _____ of the _____ in the _____
(name of owner(s)/agent(s)) (City in which you reside)
_____ in the _____
(County/Upper-tier municipality, if applicable) (Province/State)

solemnly declare that all of the above statements contained in this application are true, and I/We make this solemn declaration conscientiously believing it to be true and knowing that this is of the same force and effect as if it were made under oath.

Declared before me at the:

_____ . (e.g. municipality)

In the _____ . (e.g. county/upper-tier municipality)

This _____ day of _____, _____.

A Commissioner of Oaths

Applicant(s) Signature

Personal information contained in this form is collected under the authority of the *Municipal Act*, and will be used to determine the eligibility of the proposed request.

Note:

The Approval of this Application does not relieve the Owner from the requirements of the Ontario Building Code or any other relevant regulatory control that may affect the use and development of the subject property (e.g. Conservation Authority Regulatory Controls, Zoning By-law Regulations, etc.).

Consent of Owner

Consent of Owner(s) to the use and disclosure of personal information; and to allow site visits to be conducted. As well, if necessary, to permit access across the applicants' property to the requested road allowance closure lands.

I/We, _____, being the registered owner(s) of the lands subject of this application, and for the purpose of the *Freedom of Information and Protection of Privacy Act*, hereby authorize and consent to the use by or the disclosure to any person or public body of any personal information that is collected under the authority of the *Municipal Act* for the purposes of processing this application.

I/We also authorize and consent to representatives from the Township of Rideau Lakes and the persons and public bodies conferred with under the *Municipal Act* entering upon the subject lands of this application for the purpose of conducting any site inspections as may be necessary to assist in the evaluation of the application.

Date: _____

Owner(s)' Signature

Owner's Authorization

I/We: _____

being the registered owner(s) of the adjacent subject lands hereby authorize _____

to prepare and submit the application for Road Allowance Closure & Purchase Request on my/our behalf to the Corporation of the Township of Rideau Lakes.

Witness

Owner(s) Signature

Date

SAMPLE SKETCH

