

Index to Schedules

Number	Subject Matter
1	Extracts from the Township's zoning By-law 02-121 section 3.4: (a) as it read prior to April 14, 2009; and (b) as it read after April 14, 2009 and reads today
2	By-law 09-018, Notice of Passing Zoning By-Law, and format of RAA-2009
3	Form of RAA used by Township as recently as May 22, 2022
4	Extracts of various resolutions adopted by Council which relate to RAAs, including: (a) Resolution #C-2019-11-08 – eliminating RAAs (b) Resolution #C-2020-06-19 – establishing working Group (c) Resolution #C-2020-10-04 – setting the number of WG members (d) Resolution #C-2020-10-05 – appointing 2 Councillors as WG members (e) Resolution #C-2020-10-06 – appointing 3 members of the public as WG members (f) Bylaw- 2020-045 – establishing the WG's Terms of Reference (g) Resolution #C2020-10-21 – establishing Council's top six priorities
5	Copies of some of the documentation that Staff provided to the WG prior to its August 25, 2021 meeting, including: (a) List of subdivisions having private unassumed roads (b) Lists (2) of road names showing various characteristic: firstly, the revised list as at May 4, 2022, and secondly, the August 25, 2021 list (c) List showing costs of bring PURs up to municipal standards (d) List of 4 options for dealing with private unassumed roads
6	Halpenny's PowerPoint presentation
7	WG member's email dated August 28, 2021 to Halpenny with questions
8	Halpenny email dated August 31, 2021 to Clerk - answers to insurance questions
9	Clerk's email of Oct 18, 2021 with edited version of Halpenny's answers
10	(a) WG member's email of Jan 12, 2022 to Clerk re authority to require RAAs (b) Clerk's reply of Feb 12a0, 2022
11	(a) WG Member's to Clerk regarding Plan 4 on Christie Lake; (b) Email reply from Clerk dated February 10, 2022.
12	Copy of subdivision agreement in relation to Maberly Pines made between the Township and Lakeside Living and dated September 2, 1980.
13	Staff Report #C-2020-15 - Page 35 of 116 re sale of lots in Maberly Pines.
14	By-law 2020-43 – approving the sale of lot 44 plan 21 Maberly Pines
15	Eml from TVT Treasurer -May 4, 2022 – tax bills issued in January 2022
16	Jp2g "Options Assessment" dated March 29, 2022.
17	Extracts of relevant section of the Municipal Act

Schedule 1

1(a)

**Section 3.4 of the Zoning By-law it read as at April 13, 2009
before the adoption of By-Law 09-18 on April 14, 2009**

3.4 Frontage on an Improved Street

No lot shall be used and no building or structure shall be erected on a lot in any zone unless such lot has sufficient frontage on an improved street to provide driveway access. Notwithstanding the foregoing, this provision shall not apply to:

- A non-residential building or structure accessory to an agricultural or conservation use;
- A lot on a registered plan of subdivision and with frontage on a street which will become an improved street pursuant to provisions in, and financial security associated with, a subdivision agreement that is registered on the title to the lot;
- A lot located in a Limited Services Residential zone;
- An existing seasonal dwelling in a Seasonal Residential zone

1(b)

**Section 3.4 of the Zoning By-law as it read following the adoption of By-Law 09-18
on April 14, 2009 and as it continues to read as at the date of this Report**

3.4 Frontage on an Improved Street

No lot shall be used and no building or structure shall be erected on a lot in any zone unless such lot has sufficient frontage on an improved street to provide driveway access. Notwithstanding the foregoing, this provision shall not apply to:

- A non-residential building or structure accessory to an agricultural or conservation use;
- A lot on a registered plan of subdivision and with frontage on a street which will become an improved street pursuant to provisions in, and financial security associated with, a subdivision agreement that is registered on the title to the lot;
- A lot on a plan of subdivision registered before December 10, 2002, that has frontage on a street that is not an improved street, where the owner has entered into a Road Access Agreement to the satisfaction of the Township;
- A lot located in a Limited Services Residential zone;
- An existing seasonal dwelling in a Seasonal Residential zone

Note: wording shown shaded in yellow as added By By-law 08-018 on April 14 2009.

Schedule 2

BY-LAW No. 09-018

**THE CORPORATION OF
TAY VALLEY TOWNSHIP**

Road Access Amendment to Comprehensive Zoning By-law No. 02-121

NOVATECH ENGINEERING CONSULTANTS LTD.

Planners & Engineers

Suite 200, 240 Michael Cowpland Drive

Ottawa, Ontario K2M 1P6

tel: (613) 254-9643

fax: (613) 254-5867

File: 98096

Date: April 9, 2009

CORPORATION OF TAY VALLEY TOWNSHIP

BY-LAW NO. 09-018

BEING A BY-LAW TO AMEND ZONING BY-LAW NO. 02-121, AS AMENDED

Road Access Amendment to Comprehensive Zoning By-law No. 02-121

WHEREAS Section 34(1) of the *Planning Act*, R.S.O., 1990, Chapter P.13, authorizes Council to pass by-laws to regulate the use of lands and the character, location and use of buildings and structures within Tay Valley Township;

AND WHEREAS the Council of the Corporation of Tay Valley Township deems it advisable to amend Zoning By-law No. 02-121, as amended, as hereinafter set forth;


NOW THEREFORE the Council of the Corporation of Tay Valley Township enacts as follows:

1. Section 3.4 (Frontage on an Improved Street) is hereby amended by inserting the following new bullet immediately after the second bullet:

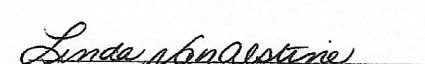
“A lot on a plan of subdivision registered before December 10, 2002, that has frontage on a street that is not an improved street, where the owner has entered into a Road Access Agreement to the satisfaction of the Township;”

This By-law passed and enacted this 14th day of April, 2009.

CORPORATE SEAL OF TOWNSHIP



Reeve (K. Kerr)



Clerk (L. Van Alstine)



Tay Valley Township

NOTICE OF PASSING OF A ZONING BY-LAW

Road Access Amendment to Comprehensive Zoning By-law No. 02-121

TAKE NOTICE that the Council of the Corporation of Tay Valley Township passed By-law No. ~~09-018~~ on the 14th day of ~~Mar~~ April, 2009, under Section 34 of the *Planning Act*, R.S.O., 1990, Chapter P.13.

AND TAKE NOTICE that any person or public body may appeal to the Ontario Municipal Board in respect of the by-law by filing with the Clerk of Tay Valley Township not later than the 11th day of May, 2009, a notice of appeal setting out the reasons for the appeal, and accompanied by the fee required by the Ontario Municipal Board.

AND TAKE NOTICE that only individuals, corporations and public bodies may appeal a by-law to the Ontario Municipal Board. A notice of appeal may not be filed by an unincorporated association or group. However, a notice of appeal may be filed in the name of an individual who is a member of the association or group on its behalf.

AND TAKE NOTICE that no person or public body shall be added as a party to the hearing of the appeal unless, before the by-law was passed, the person or public body made oral submissions at a public meeting or written submissions to the council or, in the opinion of the Ontario Municipal Board, there are reasonable grounds to add the person or public body as a party.

THIS AMENDMENT would affect all undeveloped lots created by Plans of Subdivision, and registered prior to December 10, 2002, including those in Maberly Pines (Lot 13, Concession 5 and 6, geographic Township of Sherbrooke).

EXPLANATORY NOTE: The purpose of this zoning amendment is to add an additional provision to Section 3.4 of the Zoning By-law that would provide an exemption to the requirement to have frontage on an improved street in the case where a owner in a subdivision registered prior to December 10, 2002 has entered into a road access agreement to the satisfaction of the Township. The effect of the zoning by-law amendment would be to permit development on a lot without frontage on an improved street under certain circumstances where the Township is satisfied that suitable arrangements have been made for dependable access to the property.

The complete by-law is available for inspection in my office during regular office hours.

THIS NOTICE GIVEN ON THE 21st DAY OF April, 2009.

Linda Van Alstine
Clerk,

Tay Valley Township
(800) 810-0161 or (613) 267-5353

CORPORATION OF TAY VALLEY TOWNSHIP

BY-LAW NO. 09-018

BEING A BY-LAW TO AMEND ZONING BY-LAW NO. 02-121, AS AMENDED

Road Access Amendment to Comprehensive Zoning By-law No. 02-121

I, Linda Van Alstine, Clerk, hereby certify that By-law No. 09-018 has been passed in accordance with the requirements of the following:

1. Notice of the public meeting under Sections 34(12) and 34(13) of the *Planning Act*, R.S.O., 1990, Chapter P.13; and
2. Written notice of the passing of the By-law under Section 34(18) of the *Planning Act*, R.S.O., 1990, Chapter P.13.

I further certify that: (check one)

- No notice of appeal under Section 34(19) of the *Planning Act*, R.S.O., 1990, Chapter P.13, has been filed within twenty (20) days from the date of notice of the passing of the By-law; or
- Notice of appeal has been filed and the attached submissions are true copies of all written submissions and supporting material received in respect of the By-law prior to the passing thereof together with all notices of appeal.

Linda Van Alstine
Clerk
Tay Valley Township

ROAD ACCESS AGREEMENT

THIS AGREEMENT made this 13th day of May, 2009

BETWEEN:

CORPORATION of TAY VALLEY TOWNSHIP
(Hereinafter "the Township")

OF THE FIRST PART

AND:

Thomas Stewart Barton and Jean Gibson Barton
(Hereinafter "the Owner")

OF THE SECOND PART

WHEREAS the Owner owns Lot 43, Plan PL-30, ("the Property") in the Township;

AND WHEREAS access to the Property is from a road (the "Access Road") that is owned by the Township but is not an improved road and has not been assumed by the Township;

AND WHEREAS the Township's Zoning By-law provides that no building shall be erected on the Property if it does not have sufficient frontage on an improved street to provide driveway access unless the owner has entered into a Road Access Agreement to the satisfaction of the Township;

AND WHEREAS the Owner acknowledges that the Access Road is not an improved street or assumed road and accepts responsibilities, as set out herein, in that regard;

NOW THEREFORE the parties agree as follows:

1. The Owner acknowledges that the Access Road has not been improved and has not been assumed by the Township.
2. The Owner acknowledges that municipal services such as road maintenance of the Access Road and snow removal shall not be provided by the Township and that public services, such as garbage removal, school bussing and some emergency services, such as ambulance or fire, may not be provided or may be severely restricted.
3. The Owner agrees that any construction work to be done on the Access Road shall be with the consent of the Township and shall be itemized and approved by the Township. The Township takes no responsibility for the adequacy of the work done or for the road maintenance performed by the Owner or others, notwithstanding that the outline of the work has been reviewed by it.
4. If the Owner intends to improve and use the Access Road, then he or she shall ensure that his/or her public liability insurance covers the use of the Access Road.

- 5. The Township shall post signs at the entrance to the Access Road indicating as follows:


"Road not assumed by the municipality. Use at your own risk"

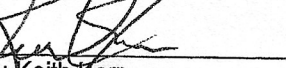
The Owner shall not interfere or remove such signs.

- 6. The Owner hereby indemnifies and saves harmless the Township, its elected officials, employees and agents, from and against all claims, losses, damages, liabilities, costs and expenses, including legal fees and disbursements, which may be brought against the Township as a result of the use of the Access Road, or as a result of any delay in the provision of or any failure to provide services or emergency vehicles, to the Property.
- 7. This agreement shall be binding on the parties hereto and their successors, heirs, administrators and assigns and all subsequent owners of the Property.
- 8. The Owner confirms that he or she is the registered owner of the Property. The Owner shall require all subsequent owners of the Property to confirm that he/ or she assumes all obligations and responsibilities in this Agreement.
- 9. The Owner shall cause this Agreement to be registered on the title to the Property.

ALL OF WHICH HAS BEEN AGREED TO by the parties this 13th day of May, 2009.

CORPORATION of TAY VALLEY TOWNSHIP

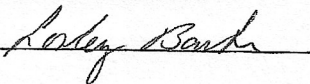
Per: 
 Name: Kathy Coulthart-Dewey
 Title: CAO

Per: 
 Name: Keith Kerr
 Title: Reeve

OWNER



CO-OWNER or WITNESS



Schedule 3

THE CORPORATION OF TAY VALLEY TOWNSHIP

ROAD ACCESS AGREEMENT

THIS AGREEMENT made in triplicate this 8th day of April, 2022

BETWEEN:

[Redacted Name]

Herein called the "Owner" OF THE FIRST PART

AND:

The Corporation of Tay Valley Township,

Herein called the "Township" OF THE SECOND PART

WHEREAS, the Owner owns the Lot [Redacted] Plan [Redacted], South Sherbrooke, Tay Valley Township, PIN [Redacted] ("the Property"), in the Township;

AND WHEREAS, access to the Property is from a road (the "Private Unassumed Road") that is owned by the Township but is not an improved road and has not been assumed by the Township;

AND WHEREAS, the Township's Zoning By-Law provides that no building shall be erected on a lot if it does not have access on an improved road unless a Road Access Agreement, to the satisfaction of the Township, has been executed;

AND WHEREAS, the Owner has applied to the Township for a building permit and requires the use of a Private Unassumed Road in order to access their Property, as described in Schedule "A", attached hereto;

AND WHEREAS, the Owner is desirous of entering into an Agreement with the Township, Notice of which shall be registered on title to the Owner's Property, and the Township is entitled to enforce the provisions of the Agreement against the Owner and, subject to the Registry Act and the Land Titles Act, any and all subsequent owners of the Property;

AND WHEREAS, The Corporation of Tay Valley Township has passed By-Law No. 2017-019 granting the Reeve and Clerk the authority to sign this Agreement;

AND WHEREAS, Section 8 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, provides the municipality with the powers of a natural person and the authority to govern their affairs as they consider appropriate;

NOW THEREFORE THIS AGREEMENT WITNESSETH, that in consideration of the sum of TWO (\$2.00) DOLLARS paid by the Owner to the Township, the receipt of which is hereby acknowledged and in consideration of the mutual covenants hereinafter expressed, the parties hereto agree as follows:

1. THAT the Owner agrees:

a) THAT, the Owner acknowledges that the Private Unassumed Road has not been

brought up to municipal standards and has not been assumed by the Township.

- b) **THAT**, the Owner acknowledges that municipal services such as snow removal and road maintenance of the Private Unassumed Road shall not be provided by the Township and that some public services such as garbage removal, school bussing and some emergency services may be severely restricted.
- c) **THAT**, the Owner reimburse the Township the cost to supply and install appropriate signage indicating that the Private Unassumed Road is not maintained by the Township and to use at your own risk, OR the Owner is to provide evidence that such sign already exists.
- d) **THAT**, if such sign is ever removed, it must be immediately replaced.
- e) **THAT**, the Owner provide and keep in force during the term of this agreement, Commercial General Liability Insurance as required by the Township' insurer which shall include but not be limited to the following:
- A limit of liability of not less than \$5,000,000 per occurrence;
 - The Township shall be named as an additional insured;
 - The Policy shall contain a provision for cross liability;
 - Non-owned automobile coverage with a limit of at least \$5,000,000 including contractual non-owned coverage;
 - That 30 days prior notice of cancellation of the Policy shall be given in writing to the Township
- f) **THAT**, if the local road association has the required insurance coverage as per item e), the Owner does not have to obtain separate insurance coverage.
- g) **THAT**, the required insurance coverage be received and approved by the Township prior to the commencement of any work on the said Private Unassumed Road.
- h) **THAT**, the insurance requirements as outlined in item e) and g) above shall also apply to any third party that undertakes work on behalf of the Owner on the said Private Unassumed Road.
- i) **THAT**, the Township shall not be responsible for any maintenance, construction or repair of the said Private Unassumed Road.
- j) **THAT**, any work, other than routine maintenance, to be done on the Private Unassumed Road' shall be itemized and approved by the Township.
- k) **THAT**, any work on the Private Unassumed Road shall be completed in accordance with the "Private Road Construction Standards" and the "Fire Department Access Route" - "Access Route Design" Section 3.2.5.6 of the Ontario Building Code, attached hereto as Schedule "B".
- l) **THAT**, the Owner must complete any work on the Private Unassumed Road to the satisfaction of the Public Works Manager and the Fire Chief of the Township. That notwithstanding that the drawings and plans have been reviewed by the Township, the Township takes no responsibility for the design or adequacy of the work to be done.

m) **THAT NOTHING**, in this Agreement obligates the Township to assume the works as a travelled highway. However, the Township maintains its right to assume ownership of the improvements at any time without compensation to the Owner.

n) **THAT NOTHING**, in this Agreement gives the Owner sole use of the subject Private Unassumed Road or authority to prevent use by the general public.

o) **THAT**, the Owner hereby indemnifies, protects and saves harmless the Township, its elected officials, employees and agents, from and against any and all claims, losses, damages, liabilities, costs and expenses, including legal fees and disbursements, which may be brought against the Township as a result of the use of the said Private Unassumed Road, or as a result of any delay in the provision or any failure to provide services or emergency vehicles to the Property.

p) **THAT**, in the event of a sale of its interest in the Property, the Owner shall cause, as part of the sales transaction or assignment, the purchaser, transferee or assignee to enter into a written road access agreement with the Township on the same terms as this Agreement and in a form satisfactory to the Township.

2. Any **NOTICE** required to be given hereunder to the Township or the Owner shall be in writing and may be delivered personally or be sent by registered mail.

3. **NOTICE** shall be given to the Owner at the address shown on the tax roll for the Owner's Land. **NOTICE** shall be given to the Township at the following address:

The Corporation of Tay Valley Township
Attn: Clerk
217 Harper Road
Perth, ON K7H 3C6

Any notice sent by registered mail shall be deemed to have been received by the party to whom it is addressed on the third (3rd) business day following such mailing.

4. **ALL COSTS** incurred by the Township in connection with the preparation, execution and registration of this Agreement shall be paid by the Owner.

5. **IF THE** Owner fails or refuses for any reason to comply with the requirement of this agreement, the Owner shall be in default and the Township may, jointly or severally on seven (7) days' notice require the Owner to remedy the default, failing which the Township may, jointly or severally without further notice and without prejudice to any other rights and remedies available to it, do such thing and perform such work as is necessary to rectify the default and recover the expense incurred in doing it by action or in like manner as municipal taxes in accordance with the provisions of Section 446 – Orders and Remedial Action, of the *Municipal Act, 2001*, as required.

6. **THAT THIS AGREEMENT** or Notice of this Agreement be registered against the title of the subject lands described in Schedule "A" attached hereto and shall be binding upon and ensure to the benefit of the parties hereto and their respective heirs, executors, administrators, successors and assigns and the Township shall be entitled to enforce the provisions against the Owner and all subsequent owners of the lands.

IN WITNESSETH WHEREOF the parties hereto have executed this agreement as of the date of the first above written.

SIGNED, SEALED and DELIVERED)

In the presence of)

)

SCHEDULE "A"

Description of Land and sketch

SCHEDULE "B"**Private Road or Unopened Road Allowance Construction Standards**

Minimum Width of right of way	20.0 m (66 ft.)
Minimum width of clearing	9.0 m (30 ft.)
Surface	a) width - 4.5 m (15 ft.) b) depth - 100 mm (4 in.) c) type – crushed gravel or stone
Shoulder Width	1.0 m (3 ft.) each side (including rounding)
Depth of granular base	As determined after consolidation of sub-grade material
Ditches	Minimum depth from crown of road to bottom of ditch 0.5 m (1.5 ft.). All ditches to be carried to sufficient outlet.
Culverts	CSP, concrete or plastic. Minimum 300 mm (12 in.) diameter, or larger as required.
Geometrics	Such that fire protection equipment can pass safely
Grade (maximum)	12.5%
Cross Fall	3%

Ontario Building Code**Fire Department Access Route.**

The design and construction of fire department access routes involves the consideration of many variables, some of which are specified in the requirements in the Ontario Building Code. All these variables should be considered in relation to the type and size of fire department vehicles available in the municipality or area where the building will be constructed. It is appropriate, therefore, that the local fire department be consulted prior to the design and construction of access routes.

3.2.5.6. Access Route Design

- (1) A portion of a roadway or yard provided as a required access route for fire department use shall:
 - (a) have a clear width not less than 6 m, unless it can be shown that lesser widths are satisfactory,
 - (b) have a centre line radius not less than 12 m,
 - (c) have an overhead clearance not less than 5 m,
 - (d) have a change of gradient not more than 1 in 12.5 over a minimum distance of 15 m,
 - (e) be designed to support the expected loads imposed by firefighting equipment and be surfaced with concrete, asphalt or other material designed to permit accessibility under all climatic conditions,
 - (f) have turnaround facilities for any dead-end portion of the access route more than 90 m long, and
 - (g) be connected with a public thoroughfare.



Tay Valley Township

COUNCIL MEETING MINUTES

Tuesday, November 19th, 2019

6:30 p.m.

Tay Valley Municipal Office – 217 Harper Road, Perth, Ontario
Council Chambers

ATTENDANCE:

Members Present:

Chair, Reeve Brian Campbell
Deputy Reeve Barrie Crampton
Councillor Fred Dobbie
Councillor Rob Rainer
Councillor RoxAnne Darling
Councillor Beverley Phillips
Councillor Mick Wicklum

Staff Present:

Larry Donaldson, Chief Administrative Officer
Amanda Mabo, Clerk
Noelle Reeve, Planner

Regrets:

Councillor Gene Richardson

1. CALL TO ORDER

The meeting was called to order at 7:22 p.m.
A quorum was present.

2. AMENDMENTS/APPROVAL OF AGENDA

The Agenda was adopted as presented.

**3. DISCLOSURE OF PECUNIARY INTEREST AND/OR CONFLICT OF INTEREST
AND GENERAL NATURE THEREOF**

None at this time.



RESOLUTION #C-2019-11-08

**MOVED BY: Beverley Phillips
SECONDED BY: Rob Rainer**

“THAT, the Township eliminate the requirement for property owners to enter into a road access agreement on unassumed subdivision roads in the Township;

AND THAT, section 3.4 of the Township zoning by-law be reviewed and appropriately be revised.”

ADOTPED

- iii) **Report #PW-2019-17 – Video Surveillance Policy and Waste Site Security.**

RESOLUTION #C-2019-11-10

**MOVED BY: Rob Rainer
SECONDED BY: Beverley Phillips**

“THAT, the Video Surveillance Policy, as outlined in Report #PW-2019-17 Video Surveillance Policy and Waste Site Security, be approved;

AND THAT, staff bring back options for the installation of video surveillance at the Glen Tay Waste Site.”

ADOPTED

- iv) **Report #PW-2019-18 – Recycling Overview.**

RESOLUTION #C-2019-11-11

**MOVED BY: RoxAnne Darling
SECONDED BY: Mick Wicklum**

“THAT, Report #PW-2019-18 – Recycling Overview, be received for information.”

ADOPTED

- v) **Town of the Blue Mountains: Integrity Commissioner Matters.**

RESOLUTION #C-2019-11-12

**MOVED BY: Mick Wicklum
SECONDED BY: Fred Dobbie**

“THAT, the Council of the Corporation of Tay Valley Township support the resolution from the Town of the Blue Mountains regarding Integrity Commissioner Matters.”

ADOPTED



Tay Valley Township

COUNCIL MEETING MINUTES

Tuesday, June 23rd, 2020

5:30 p.m.

Conference Call

ATTENDANCE:

Members Present:

- Chair, Reeve Brian Campbell
- Deputy Reeve Barrie Crampton
- Councillor Fred Dobbie
- Councillor Rob Rainer
- Councillor RoxAnne Darling
- Councillor Beverley Phillips
- Councillor Mick Wicklum
- Councillor Gene Richardson

Staff Present:

- Amanda Mabo, Clerk
- Sean Ervin, Public Works Manager
- Ashley Liznick, Treasurer
- Noelle Reeve, Planner (arrived at 6:08 p.m.)

Regrets: None

1. CALL TO ORDER

The meeting was called to order at 5:30 p.m.
The Reeve conducted Roll Call.
A quorum was present.

- i) The Reeve overviewed the Teleconference Participation Etiquette that was outlined in the Agenda.

2. AMENDMENTS/APPROVAL OF AGENDA

- i) Addition under New/Other Business: Gypsy Moths.

The Agenda was adopted as amended.

the Private Unassumed Roads Working Group to the Clerk, who will work on the next draft which is to be presented at the August Committee of the Whole meeting;

AND THAT, as per standard procedure, once the Private Unassumed Roads Working Group – Terms of Reference are in place that a call for public appointments, and council appointments be made.”

ADOPTED



RESOLUTION #C-2020-06-18

MOVED BY: Mick Wicklum
SECONDED BY: Fred Dobbie

“THAT, Council establish a Private Unassumed Roads Working Group;

THAT, the Clerk send an email to Members of Council requesting that they submit any suggested changes to the draft terms of reference for the Private Unassumed Roads Working Group to the Clerk, who will work on the next draft which is to be presented at the August Committee of the Whole meeting;

AND THAT, as per standard procedure, once the Private Unassumed Roads Working Group – Terms of Reference are in place that a call for public appointments, and council appointments be made.”

ADOPTED

vi) **Report #C-2020-06 – Joint Recreation Master Plan.**

RESOLUTION #C-2020-06-20

MOVED BY: Fred Dobbie
SECONDED BY: Barrie Crampton

“THAT, the joint Recreation Master Plan be adopted as amended by removing recommendation 67 and adding a preface to the plan that identifies that the plan has been submitted by a qualified consultant and contains prospective concepts that have not been adopted by the municipality and will be appropriately reviewed and considered by Council to determine if they should be implemented;

AND THAT, the necessary by-law be brought forward at the next Council meeting.”

ADOPTED



Tay Valley Township

"SPECIAL" COUNCIL MEETING MINUTES

Thursday, October 8th, 2020

5:30 p.m.

Tay Valley Municipal Office – 217 Harper Road, Perth, Ontario
Council Chambers/Conference Call

ATTENDANCE:

Members Present:

Chair, Reeve Brian Campbell
Deputy Reeve Barrie Crampton
Councillor Fred Dobbie
Councillor Rob Rainer
Councillor RoxAnne Darling
Councillor Gene Richardson
Councillor Beverley Phillips
Councillor Mick Wicklum

Staff Present:

Amanda Mabo, Acting CAO/Clerk

Regrets:

None

1. CALL TO ORDER

The meeting was called to order at 5:30 p.m.
The Reeve conducted Roll Call.
A quorum was present.

The Reeve overviewed the Teleconference Participation Etiquette that was outlined in the Agenda.

2. DISCLOSURE OF PECUNIARY INTEREST AND/OR CONFLICT OF INTEREST AND GENERAL NATURE THEREOF

None at this time.

Councillor Mick Wicklum called a recorded vote on Resolution #C-2020-10-03:

For:	Councillor Fred Dobbie	1
	Councillor Gene Richardson	1
	Councillor Rob Rainer	1
		<u>3</u>
Against:	Reeve Brian Campbell	1
	Deputy Reeve Barrie Crampton	1
	Councillor Beverley Philips	1
	Councillor RoxAnne Darling	1
	Councillor Mick Wicklum	1
		<u>5</u>
Absent:		0
Total:		8

DEFEATED



RESOLUTION #C-2020-10-04

MOVED BY: Mick Wicklum
SECONDED BY: Barrie Crampton

"THAT, the Membership of the Private Unassumed Roads Working Group be comprised of a maximum of five (5) members;

THAT, two members shall be Council Members;

AND THAT, the Terms of Reference for the Working Group be amended to reflect that change."

ADOPTED

Council recessed at 6:35 p.m. so that the Acting CAO/Clerk could confirm if one of the applicants had property in the Township.

Council returned to session at 6:41 p.m.

The Acting CAO/Clerk confirmed that all applicants lived or had property in the Township.

RESOLUTION #C-2020-10-05

MOVED BY: Mick Wicklum
SECONDED BY: Beverley Phillips

"THAT, the following Council Members be appointed to the Private Unassumed Roads Working Group, subject to the Criminal Reference Check Policy:

- Councillor RoxAnne Darling;
- Councillor Gene Richardson."

ADOPTED

RESOLUTION #C-2020-10-06

MOVED BY: Mick Wicklum
SECONDED BY: Gene Richardson

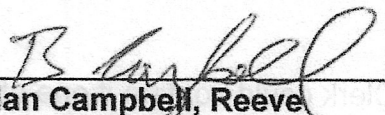
"THAT, the following members of the public be appointed to the Private Unassumed Roads Working Group, subject to the Criminal Reference Check Policy:

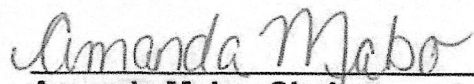
- Frederick Barrett;
- Gordon Hill;
- Frank Johnson."

ADOPTED

4. ADJOURNMENT

Council adjourned at 6:45 p.m.


Brian Campbell, Reeve


Amanda Mabo, Clerk



Tay Valley Township

COUNCIL MEETING MINUTES

Tuesday, October 20th, 2020

5:30 p.m.

Conference Call

ATTENDANCE:

Members Present:

Chair, Reeve Brian Campbell
Deputy Reeve Barrie Crampton
Councillor Fred Dobbie
Councillor Rob Rainer
Councillor Beverley Phillips
Councillor Mick Wicklum
Councillor Gene Richardson
Councillor RoxAnne Darling

Staff Present:

Amanda Mabo, Acting CAO/Clerk
Janie Laidlaw, Deputy Clerk
Noelle Reeve, Planner

Regrets:

None

1. CALL TO ORDER

The meeting was called to order at 5:30 p.m.
The Reeve conducted Roll Call.
A quorum was present.

The Reeve overviewed the Teleconference Participation Etiquette that was outlined in the Agenda.

2. AMENDMENTS/APPROVAL OF AGENDA

The Agenda was adopted as presented.

3. DISCLOSURE OF PECUNIARY INTEREST AND/OR CONFLICT OF INTEREST AND GENERAL NATURE THEREOF

None at this time.

v) **By-Law No. 2020-044: Road Access Agreement.**

RESOLUTION #C-2020-10-29

MOVED BY: Barrie Crampton
SECONDED BY: Rob Rainer

“THAT, By-Law No. 2020-044, being a by-law to enter into a Road Access Agreement with Kenneth Klein be read a first, second and third time short and passed and signed by the Reeve and Clerk.”

(SEE RECORDED VOTE)

Councillor RoxAnne Darling requested a recorded vote on Resolution #C-2020-10-29:

For:	Reeve Brian Campbell	1
	Deputy Reeve Barrie Crampton	1
	Councillor Fred Dobbie	1
	Councillor Gene Richardson	1
	Councillor Rob Rainer	<u>1</u>
		5
Against:	Councillor Beverley Philips	1
	Councillor RoxAnne Darling	1
	Councillor Mick Wicklum	<u>1</u>
		3
Absent:		0
Total:		8

ADOPTED



vi) **By-Law No. 2020-045: Private Unassumed Roads Working Group – Terms of Reference.**

RESOLUTION #C-2020-10-30

MOVED BY: Rob Rainer
SECONDED BY: Fred Dobbie

“THAT, By-Law No. 2020-045 being a by-law to Adopt a Terms of Reference for the Private Unassumed Roads Working Group, be read a first, second and third time short and passed and signed by the Reeve and Clerk.”

(SEE RECORDED VOTE)

Councillor Mick Wicklum requested a recorded vote on Resolution #C-2020-10-30:

For:	Reeve Brian Campbell	1
	Deputy Reeve Barrie Crampton	1
	Councillor Fred Dobbie	1
	Councillor Gene Richardson	1
	Councillor Beverley Philips	1
	Councillor RoxAnne Darling	1
	Councillor Rob Rainer	1
		<u>7</u>
Against:	Councillor Mick Wicklum	1
		<u>1</u>
Absent:		0
Total:		8

ADOPTED

9. NEW/OTHER BUSINESS

None.

10. CALENDARING

Meeting	Date	Time	Location
Council Meeting	October 20 th	5:30 p.m.	Conference Call
Ontario East Municipal Conference	October 21 st – 22 nd		Virtually
Green Energy & Climate Change Working Group Meeting	October 23 rd	10:00 a.m.	Conference Call
Committee of Adjustment Hearing	October 26 th	5:00 p.m.	Conference Call
“Special” Committee of the Whole Meeting – Operating Budget	October 27 th	5:30 p.m.	Conference Call
Public Meeting – Zoning By-Law Amendment	November 10 th	5:30 p.m.	Conference Call
Committee of the Whole Meeting	November 10 th	5:30 p.m.	Conference Call
“Special” Committee of the Whole Meeting – Capital Budget	November 10 th	Following	Conference Call
Council Meeting	November 17 th	5:30 p.m.	Conference Call



Tay Valley Township

COUNCIL MEETING AGENDA

Tuesday, October 20th, 2020
5:30 p.m.
Conference Call

Dial-In Number 1-855-344-7722 or 613-244-1312
Conference ID: 1554771

GoToMeeting: <https://global.gotomeeting.com/join/839564869>

Teleconference Participation Etiquette

- a meeting via teleconference shall never be treated differently than a meeting in person, whereby all attendees shall abide by proper meeting procedure and etiquette;
- as meeting attendees log onto the teleconference line, you will likely hear others join as well (this will be signified by a beeping noise);
- we ask that all attendees mute their phones; doing so will eliminate any background noise and create a much more seamless process (for Members only - if/when you wish to speak during the meeting, you will simply unmute your phone and upon completion of your thought, please re-mute)
- the Chair will call the meeting to order at the time indicated on the agenda and at that time we ask that everyone else remain silent;
- roll call will be completed at which time Members will simply respond "present";
- the Chair will then remind all attendees to place their phones on mute
- as the Chair moves through the agenda, he will call on the appropriate staff person to speak to their reports;
- we request that you retain your questions until the end of the report, at which time the Chair will ask if anyone has questions;
- you will be required to say your name (ex. Deputy Reeve Crampton) and if more than one Member has a question, the Clerk will tally the names and those will then be asked to speak in the sequence to which they made the request;
- when the Chair calls a vote, remaining silent indicates you are in favour. For those opposed, please state your name.

THE CORPORATION OF TAY VALLEY TOWNSHIP

BY-LAW NO. 2020-045

**PRIVATE UNASSUMED ROADS WORKING GROUP
TERMS OF REFERENCE**

WHEREAS, Section 9 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under the Municipal Act or any other Act;

AND WHEREAS, Section 5 (3) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that a municipal power, including a municipality's capacity, rights, powers and privileges under Section 9, shall be exercised by by-law unless the municipality is specifically authorized to do otherwise;

NOW THEREFORE BE IT RESOLVED THAT, the Council of the Corporation of Tay Valley Township enacts as follows:

1. GENERAL REGULATIONS

1.1 **THAT**, the Private Unassumed Roads Working Group – Terms of Reference, attached hereto as Schedule "A", be adopted.

2. ULTRA VIRES

Should any sections of this by-law, including any section or part of any schedules attached hereto, be declared by a court of competent jurisdiction to be ultra vires, the remaining sections shall nevertheless remain valid and binding.

3. BY-LAW REPEALED

3.1 By-Law No. 2020-034 is hereby repealed.

4. EFFECTIVE DATE

ENACTED AND PASSED this 20th day of October, 2020.

Brian Campbell, Reeve

Amanda Mabo, Clerk

**THE CORPORATION OF TAY VALLEY TOWNSHIP
BY-LAW NO. 2020-045**

**SCHEDULE "A"
TAY VALLEY TOWNSHIP**

**PRIVATE UNASSUMED ROADS WORKING GROUP
TERMS OF REFERENCE**

MANDATE

The purpose of the Working Group is to provide advice and recommendations to Council regarding Private Unassumed Roads in order to best implement the direction contained within Council Resolution #C-2019-11-08:

RESOLUTION #C-2019-11-08

"THAT, the Township eliminate the requirement for property owners to enter into a road access agreement on unassumed subdivision roads in the Township;

AND THAT, section 3.4 of the Township zoning by-law be reviewed and appropriately be revised."

ADOPTED

To fulfill its mandate it is anticipated the Working Group will, among other things:

- Clarify definitions for private and public roads, including the use of a term to replace the term "Private Unassumed Road".
- Review section 3.4 of the Township Zoning By-Law, Official Plan and any other relevant documentation related to private unassumed roads and road access agreements.
- Clearly identify and examine all of the issues, problems and risks surrounding the use of private unassumed roads and how to sequentially address them and various alternatives for rectifying or otherwise dealing with such issues, problems and risks in a manner that is fair and equitable to the Municipality, to all property owners who use private unassumed roads to access their property, and to Township taxpayers generally; including but not limited to:
 - insurance and liability considerations for both the Township, the property owners and those conducting maintenance
 - maintenance requirements
 - responsibility for maintenance
 - tools to minimize risk:
 - introduction of a holding zone provision in the Zoning By-Law
 - Limited Services Agreements and Site Plan Control Agreements
 - other amendments to the Official Plan and/or Zoning By-Law

- bringing the roads up to municipal standards by the Township and/or the property owners so that the Township can assume the roads for maintenance purposes
 - development of a road grants policy for private unassumed roads
 - deeming the roads away, in turn creating private roads, not owned or maintained by the Township
 - community improvement plans
 - area rated development charges
 - any other related issues, problems and risks that the Working Group deems necessary.
- Recommend to Council whether road access agreements should be required or not and the reasons. If the Working Group recommends that Road Access Agreements are required, advise Council as to:
 - the circumstances under which Road Access Agreements should be required and the reasons;
 - the recommended content for Road Access Agreements; and
 - if any, the recommended changes to the Zoning By-Law, Official Plan and any other relevant documentation.

REPORTING RESPONSIBILITY

The Working Group will communicate its findings and recommendations to the Committee of the Whole. Attendance and agenda topics will be coordinated through the Clerk or designate. Updates from the Working Group will be communicated to Committee of the Whole on a regular basis by the Council Member representatives, with a final report to be brought forward to Council.

MEMBERSHIP

The Working Group shall be comprised of a maximum of five (5) members. Replacement members can be appointed, if needed, during the course of the term. Two members shall be Council Members, one of which will serve as Chair. The Clerk and Planner or designates shall act as resource persons to the Working Group.

MEETINGS

The Working Group will meet at least monthly or at the call of the Chair or Clerk (or designate). Agendas will be posted on the Township website one week prior to the meeting. The Clerk or designate will serve as Recording Secretary. Meeting Minutes will be action-only and will record those members in attendance and any topics discussed. A quorum of members (majority) will be required for a meeting to take place. All meetings will be open to the public. Meetings will generally occur at the Municipal Office.

TERM

The term of appointment shall be from the date of appointment of the Members until the completion of the Working Group's mandate or by a resolution of Council.

v) **2021 Council/Committee Meeting Calendar.****RESOLUTION #C-2020-10-20****MOVED BY:** Beverley Phillips**SECONDED BY:** Rob Rainer**"THAT, the 2021 Council/Committee Calendar be approved."****ADOPTED**vi) **Report #C-2020-16 – Council Priorities.****RESOLUTION #C-2020-10-21****MOVED BY:** Rob Rainer**SECONDED BY:** RoxAnne Darling**"THAT, Council's top six priorities for this term of Council are:**

- Service Delivery Review
- Private Unassumed Roads
- Council Composition
- Integrity Commissioner Report Policy
- Property Standards
- Noise By-Law."

ADOPTEDvii) **Archives Lanark – Closure of all local Land Registry Offices in Ontario (LRO #27 Almonte) Request for Support to Obtain Documents.****RESOLUTION #C-2020-10-22****MOVED BY:** RoxAnne Darling**SECONDED BY:** Mick Wicklum**"THAT, the Council of Tay Valley Township support the Archives Lanark obtaining the Land Abstract Books, documents, wills, microfilm, maps and surveys currently housed in the Land Registry Office #27 located in Almonte upon the Closure of the Land Registry Office in Almonte."****ADOPTED**viii) **20-09-25 – Council Communication Package.****RESOLUTION #C-2020-10-23****MOVED BY:** Mick Wicklum**SECONDED BY:** Fred Dobbie**"THAT, the 20-09-25 Council Communication Package be received for information."****ADOPTED**



Tay Valley Township

PRIVATE UNASSUMED ROADS WORKING GROUP AGENDA

Wednesday, August 25th, 2021 – 5:30 p.m.
Via GoToMeeting

GoToMeeting: <https://global.gotomeeting.com/join/410517845>

Members of the Public:

Meetings are held using GoToMeeting - Video Conferencing. By clicking the link above (allow extra time for downloading the program if it is the first time you have used GoToMeeting on your device), you will be able to see the agenda, see Members of the Working Group and hear the proceedings of the meeting. Please ensure the volume on your device is **on** and **turned up** to hear the meeting. The Public is asked to ensure that their mic and camera buttons are off for the entire meeting.

Video Conference Participation Etiquette

- a meeting via video conference shall never be treated differently than a meeting in person, whereby all attendees shall abide by proper meeting procedure and etiquette;
- we ask that all public attendees mute their cameras and mics; doing so will eliminate any background noise and create a much more seamless process (for Members only - if/when you wish to speak during the meeting, you will simply unmute your mic and upon completion of your thought, please re-mute)
- the Chair will call the meeting to order at the time indicated on the agenda;
- roll call will be completed visually by the Chair;
- the Chair will then remind all attendees to place their devices on mute
- just as during an in-person meeting, members will be required to raise their hand and the Chair will call on you to speak;
- when the Chair calls a vote, you will raise your hand for the vote in favour and then in opposition, if necessary.

TAY VALLEY TOWNSHIP

Private Unassumed Roads**List of Subdivisions with Private Unassumed Roads****Maberly Pines**

Plan 21

Lakeside Living

Pond Road

Pond Lane

Red Pine Road

Red Pine Lane

Oak Road

Lakeside Living

Plan 29

Rainbow Lane

Rainbow Lane A

Lakeside Living

Maple Lane

Miner's Point

Plan 4259

Miners Point Road

Lakeshore Blvd

Sherbrooke Subdivision 2

Plan 1

Sherbrooke Drive

Lakeside Living

Plan 6

Little Silver Lake Road

Silvery Lane

McAlpine

Plan 2

Killarney Lane

Bennett Lake Estates

Plan 30

Burke Lane

Pine Lane

Oak Court

Scott Court

Meadow Lane Court

Opened Unmaintained Road Allowance Old Mine Road**Hamburg Subdivision**

(plan never registered)

Homestead Lane

1 Possible Other Subdivision with multiple roads - still
being researched

May 4, 2022

Private Unassumed Roads Stats

*road access agreements have only been required since 2009, previous to that the lots were not buildable

	Road Name	From	To	Length (km)	# of Properties	# of Vacant Properties	Comments
1	Burke Lane	Old Burke Road	Pine Lane	2.08	17	4	
2	Homestead Lane	Black Lake Road	Cul de sac	0.17	6	0	has unopened road allowance to the water
3	Killarney Lane	Christie Lake Road (CR#6)	Dead End	0.2	7	2	
4	Lakeshore Boulevard	Miner's Point Road (private)	Miner's Point Road	0.43			* The properties on this road were combined with the stats for Miner's Point Road
5	Little Silver Lake Road	Bolingbroke Road (CR #36)	Dead End	1.94	31	10	has Township owned boat launch and parking
6	Maple Lane	Bolingbroke Road (CR #36)	Dean End	0.17	5	5	road base in good condition
7	Meadow Lane Court	Burke Lane	Dead End	0.53	4	1	
8	Miners Point Road	Miner's Point Road	Dead End	2.81	52	11	has 3 unopened road allowances to the water
9	Oak Court	Pine Lane	Dead End	0.15	1	0	
10	Oak Road	Red Pine Road	Cul de sac	0.19	5	5	road base in good condition
11	Old Mine Road	McVeigh Road	Dead End	0.3	1	0	
12	Pine Lane	Burke Lane	Scott Court	1.71	13	4	
13	Pond Lane	Pond Road	Cul de sac	0.25	9	7	road base in good condition
14	Pond Road	Red Pine Road	Cul de sac	0.65	14	12	1 property accesses from County Road, has Development Agreement & SPCA with required insurance, road base in good condition
15	Rainbow Lane	Bolingbroke Road (CR #36)	Cul de sac	1.33	15	2	
16	Rainbow Lane A	Rainbow Lane	Dead End	0.54	4	1	
17	Red Pine Lane	Red Pine Road	Cul de sac	0.94	11	10	road base in good condition
18	Red Pine Road	Bolingbroke Road (CR #36)	Dead End	0.32	10	9	road base in good condition
19	Scott Court	Burke Lane	190 Scott Court	0.69	16	3	there is a Private Road at the end of Scott Court
20	Sherbrooke Drive	Crow Lake Road	Dead End	1.9	13	1 to 3	illegal by-pass built, hill to steep, road very narrow
21	Silvery Lane	Bolingbroke Road (CR #36)	Dead End	2.1	44	4	1 property owned by Rideau Valley Conservation Foundation, another property was given exemption
TOTALS				19.4	278	90	

- Bennett Lake Estates
- Hamburg Subdivision
- McAlpine Subdivision
- Miner's Point Subdivision
- Lakeside Living - Plan 6
- Maberly Pines Subdivision
- Maberly Pines Subdivision
- Unopened Road Allowance
- Lakeside Living - Plan 29
- Sherbrooke Subdivision 2
- Lakeside Living - Plan 6

TAY VALLEY
TOWNSHIPPrivate Unassumed Roads
Stats

*road access agreements have only been required since 2009

	Road Name	From	To	Length (km)	# of Properties	# of Vacant Properties	# of properties applicable to Road Access Agreements	**# of Road Access Agreements	# of Road Access Agreements Missed	Comments
1	Burke Lane	Old Burke Road	Pine Lane	2.08	17	4	4	0	0	
2	Homestead Lane	Black Lake Raod	Cul de sac	0.17	6	0	0	0	0	has unopened road allowance to the water
3	Killarney Lane	Christie Lake Road (CR#6)	Dead End	0.2	7	2	2	0	0	
4	Lakeshore Boulevard	Miner's Point Road (private)	Miner's Point Road	0.43						* The properties on this road were combined with the stats for Miner's Point Road
5	Little Silver Lake Road	Bolingbroke Road (CR #36)	Dead End	1.94	31	7	7	0	0	has Township owned boat launch and parking
6	Maple Lane	Bolingbroke Road (CR #36)	Dean End	0.17	5	5	5	0	0	
7	Meadow Lane Court	Burke Lane	Dead End	0.53	4	1	1	0	0	
8	Miners Point Road	Miner's Point Road	Dead End	2.81	52	11	20	2	4	has 3 unopened road allowances to the water
9	Oak Court	Pine Lane	Dead End	0.15	1	0	0	0	0	
10	Oak Road	Red Pine Road	Cul de sac	0.19	5	5	5	0	0	
11	Old Mine Road	McVeigh Road	Dead End	0.3	1	0	0	0	0	
12	Pine Lane	Burke Lane	Scott Court	1.71	13	3	5	1	1	

Schedule 5(b) August 25, 2021 P2

13	Pond Lane	Pond Road	Cul de sac	0.25	9	7	7	0	0	
14	Pond Road	Red Pine Road	Cul de sac	0.65	14	12	13	2	0	1 property accesses from County Road, has Development Agreement & SPCA with required insurance
15	Rainbow Lane	Bolingbroke Road (CR #36)	Cul de sac	1.33	15	2	2	0	0	
16	Rainbow Lane A	Rainbow Lane	Dead End	0.54	4	1	1	0	0	
17	Red Pine Lane	Red Pine Road	Cul de sac	0.94	11	10	10	1	0	
18	Red Pine Road	Bolingbroke Road (CR #36)	Dead End	0.32	10	9	10	1	0	
19	Scott Court	Burke Lane	190 Scott Court	0.69	16	3	3	0	1	
20	Sherbrooke Drive	Crow Lake Road	Dead End	1.9	13	1	2	0	1	
21	Silvery Lane	Bolingbroke Road (CR #36)	Dead End	2.1	44	4	7	0	1	1 property owned by Rideay Valley Conservation Foundation, another property was given exemption
TOTALS				19.4	278	87	104	7	8	

MAY 4, 2022

Schedule 5(c)

Road Name	From	To	Length (km)	Cost for Gravel (No Widening Rq)	Cost for Gravel (Widening Rq)	Cost for Surface Treatment (LCB)	Cost for Asphalt (HCB)	Yearly Operation Cost (Gravel)	Yearly Operation Cost (LCB/HCB)
Burke Lane	Old Burke Road	Pine Lane	2.1	\$ 104,000		\$ 374,400	\$ 540,800	\$ 12,563	\$ 9,526
Homestead Lane	Black Lake Road	Dead End	0.2		\$ 40,000			\$ 1,208	
Killarney Lane	Christie Lake Road (CR#6)	Dead End	0.2		\$ 40,000			\$ 1,208	
Lakeshore Boulevard	Miner's Point Road (private)	Miner's Point Road	0.4		\$ 86,000			\$ 2,597	
Little Silver Lake Road	Bolingbroke Road (CR #36)	90 Little Silver Lake Road	1.9		\$ 388,000				
Maple Lane	Bolingbroke Road (CR #36)	Dean End	0.2	\$ 8,500		\$ 30,600	\$ 44,200	\$ 1,027	\$ 779
Meadow Lane Court	Burke Lane	Dead End	0.5	\$ 26,500		\$ 95,400	\$ 137,800	\$ 3,201	\$ 2,427
Miners Point Road	Miner's Point Road	Dead End	2.8		\$ 562,000			\$ 16,972	
Oak Court	Pine Lane	Dead End	0.2	\$ 7,500		\$ 27,000	\$ 39,000	\$ 906	\$ 687
Oak Road	Red Pine Road	Cul de sac	0.2	\$ 9,500		\$ 34,200	\$ 49,400	\$ 1,148	\$ 870
Old Mine Road	McVeigh Road	Dead End	0.3		\$ 60,000			\$ 1,812	
Pine Lane	Burke Lane	Scott Court	1.7	\$ 85,500		\$ 307,800	\$ 444,600	\$ 10,328	\$ 7,832
Pond Lane	Pond Road	Cul de sac	0.3	\$ 12,500		\$ 45,000	\$ 65,000	\$ 1,510	\$ 1,145
Pond Road	Red Pine Road	Cul de sac	0.7	\$ 32,500		\$ 117,000	\$ 169,000	\$ 3,926	\$ 2,977
Rainbow Lane	Bolingbroke Road (CR #36)	Cul de sac	1.3		\$ 266,000			\$ 8,033	
Rainbow Lane A	Rainbow Lane	Dead End	0.5		\$ 108,000			\$ 3,262	
Red Pine Lane	Red Pine Road	Cul de sac	0.9	\$ 47,000		\$ 169,200	\$ 244,400	\$ 5,678	\$ 4,305
Red Pine Road	Bolingbroke Road (CR #36)	Dead End	0.3	\$ 16,000		\$ 57,600	\$ 83,200	\$ 1,933	\$ 1,466
Scott Court	Burke Lane	At Civic Address 190	0.7	\$ 34,500		\$ 124,200	\$ 179,400	\$ 4,168	\$ 3,160
Sherbrooke Drive	Crow Lake Road	Dead End	1.9		\$ 380,000			\$ 11,476	
Silvery Lane	Bolingbroke Road (CR #36)	Dead End	2.1		\$ 420,000			\$ 12,684	
			19.4	\$ 384,000	\$ 2,350,000	\$ 1,382,400	\$ 1,996,800	\$ 117,357	\$ 35,174

OPTIONS

Below are various options. There is not one option that will fit all the private unassumed road situations and there are pros and cons to each. Therefore, staff will put together a proposed list of which roads are best suited for each option for discussion by the Working Group at the next meeting.

Option #1 – Taking Road out of Township Ownership

Transfer Ownership from the Township

- common elements condominium, road corporation, joint ownership, single ownership with easements, etc.

Option #2 – Road is Township Owned

Considerations for Bringing the Roads up to Municipal Standards for Assumption

- cost sharing by the Township and property owners, or fully-funded by the property owners through CIP (Community Improvement Plan), Local Improvement Charge (LIC), development charges, etc.

Option #3 – Road is Township Owned and Privately Maintained

Option #3a – Set Up Road Association

- Township could assist property owners with formation of road association that would have a board of directors and deal with:
 - insurance
 - liability
 - maintenance

Option #3b - Status Quo

- continue to require road access agreements and the applicable insurance
- insurance – Township, property owners, those conducting maintenance
- Official Plan and Zoning By-Law amendments

Option #4 – Other??

OTHER CONSIDERATIONS

There are a number of Township owned amenities that access Private Unassumed Roads that will require their public access to be maintained.

- boat launch access
- water access



Tay Valley Road Access Agreements Risk Management Considerations

August 25, 2021

Carolyn Corkery, Vice -President
Matthew White, Vice -President

Agenda

1. Exposures
2. Joint & Several Liability
3. Claims Scenarios
4. Property Owners Purchasing their own Insurance
5. Road Association Insurance
6. Deeming Roads Away
7. Recommendation

EXPOSURES

- The Highways Act defines a private road as a highway not maintained at public expense. This means the Local Authority is not responsible for fixing potholes, gritting or resurfacing the road.
- Within smaller municipalities in more remote areas of Ontario, many properties are accessed by private roads. Private roads are owned and maintained by one or more landowner and used to access private property. These roads are typically maintained by private owners of the land they occupy. Some private roads are maintained by a municipality and are open to the public
- Although the Owner by way of the agreement acknowledges that the Private Unassumed Road has not been brought up to municipal standards and has not been assumed by the Township and that the Township is not maintaining the road, it does not preclude a third party that has suffered injuries or damages to bring a claim against the Township. Although the Municipality transfers the liability for the private unassumed road to the property owner, they could still be named in a lawsuit and the Township could be held liable.

Joint & Several Liability

- As the Private Unassumed Road is still under the Township's jurisdiction, there is concern with liability.
- Under the Negligence Act, the law states that where damages have been caused by two or more persons and where two or more persons are found at fault or negligent, they are jointly and severally liable to the person suffering loss or damage.
- A plaintiff lawyer only has to prove 1% liability against the Township to recover 100% of the plaintiff damages.



Joint & Several Liability - Continued

- Is the Township Currently covered for Private Unassumed Roads?
 - The Municipal Liability extends cover to claims arising from the Township's operations subject to the policy terms, conditions and exclusions including \$10,000 deductible which also applies to defense costs. As with all claims, the allegation will determine how the policy will respond.
- We have a pproached the Township's insurer to extend coverage to the Property Owners.
 - The insurer will consider the request; however we need to confirm who is responsible for maintaining the roads for the insurer to determine if they are prepared to extend liability to the Property Owners as a Named Insured.
 - As the Township would be most likely named in a claim, it is advisable that the Township maintain the roads to manage their risk.

Claims Scenarios

- Cottage builder and/or contractors using heavy machinery end up in ditch due to lack of road maintenance.
- Amazon delivery driver slides into ditch causing bodily injury and/or property damage.
- School bus slides into ditch causing bodily injury and/or property damage.
- ATV or snowmobile hits obstacle (large rock or downed tree) and driver is injured.

Tay Valley could still be named in a lawsuit because an unknowing third party may assume the roads are Township's responsibility. Even if Tay Valley can get themselves removed from the action, there would still be legal fees.



Property Owners purchasing their own insurance

- Township's Zoning By -Law provides that no building shall be erected on a lot if it does not have access on an improved road unless a Road Access Agreement has been executed.
- Road Access agreements require that the landowner secure \$5M Commercial General Liability in order to build.

Challenges:

- Insurers are reluctant to quote because there could be several different policies covering each road.
- In a claims scenario, an accident could occur in front of multiple properties, making liability difficult to determine.
- We assume that only properties with buildings on site may have liability coverage.
- Are Vacant lots required to have insurance?
- Tay Valley could still be named in a lawsuit.

Property Owners purchasing their own insurance

Challenges (continued):

- Insurance can be expensive and difficult to secure (as expressed by previous property owners).
- Even if property owners can secure their own insurance, Tay Valley should request updated certificates annually to ensure they are added as additional insured.
- This places an additional administrative burden on the Township to follow _____ -up with Property Owners for certificates as well as ensure that the roads are being maintained by competent contractors.
- Is the Insurance policy renewed after obtaining the building permit?
- Although the Township is added as additional Insured, this provision will only extend cover to the Township if they are named in a claim as result of the Named Insured's (Property Owner's) negligence.
- If the Property Owners do not secure liability coverage and a claim occurs?
 - As with all claims, the circumstances and the allegation will determine liability and will be decided by the courts.
 - By way of contractually transferring liability for the road to the Property Owner, it could be argued that the Property Owner should be responsible to maintain the road.
 - In the event of a claim, the Property Owners may be assigned partial / contributory liability.
 - The same would apply for maintenance contractors (if applicable).

Road Association Insurance

- When property owners collectively rely on an access road, they can form a Road Association.
- The property owners voluntarily take on the responsibility to organize road maintenance, communicate with road members and collect fees as necessary.
- Part of this includes securing liability insurance to protect them against claims alleging negligence arising out of the maintenance of the road.
- The Road Association should be required to maintain CGL coverage and provide the Township with an updated certificate of insurance on an annual basis including Additional Insured status for the Township.

Road Association Insurance

Challenges:

- This is a partial solution for neighborhoods which are organized and have a road association.
- This is a substantial burden to Property Owners where they may be the only families with dwellings on their property.
- It seems disproportionate that in order for them to build a structure on their property, they have to assume responsibility for maintaining the roads around them.
- Tay Valley can still be named in a lawsuit.
- Tay Valley must request updated certificates every year to ensure they are added as additional insured. This provision will only extend cover to the Township if they are named in a claim as result of the Owners negligence.
- Maintenance Contractors (snow removal, grading) may not have their own insurance. Often, a local property owner may have their own equipment and perform maintenance themselves.

Deeming Roads Away

- Deeming the roads away, in turn creating private roads, not owned or maintained by the township.

Challenges:

- Tay Valley could still be named in a lawsuit because an unknowing third party may assume the roads are town's responsibility. Even if Tay Valley can get themselves removed from the action, there will still be legal fees.
- If Tay Valley provides municipal services (ex. Garbage collection, school bussing, emergency services) and one of their vehicles or employees suffers bodily injury/property damage while on the private roads, it would be in Tay Valley's best interest to ensure the owners have sufficient resources (insurance) to pay a loss.

Recommendation

- It is our understanding that the Township currently has Private Unassumed Roads.
- It is our recommendation that Tay Valley retain ownership and should assume responsibility for maintaining the roads.
- This would reduce potential liability as the Township would be maintaining the road to Minimum Maintenance Standards and keeping records in the event of a claim.
- Tay Valley could levy a tax to the Property Owners to fund the upgrading and maintenance of these roads.

Halpenny Insurance Brokers Ltd.

WHO ARE WE?

Trusted Risk Advisers

With roots dating back to 1912 in Ottawa, our corporate values embrace trust, integrity, commitment, excellence and innovations. Our boutique service approach demonstrates our ability and willingness to deliver innovative solutions and value added services while being mindful of the need to control cost in every possible way.

Over 100 years of experience

We work with our clients to position them for success, overcome market challenges, anticipate and manage risk. The insurance marketplace continues to be very reactionary and Insurers' respective underwriting philosophies changes from year to year. To achieve long term success in today's business environment, you not only need a vision, but a partner to help you realize it.





Halpenny Insurance Brokers Ltd.

Website

www.halpenny.com

Email

info@halpenny.com

Address

1550A Laperriere Avenue Suite 104, Ottawa, ON, K1Z 7T2

Follow us



Gordon Hill

From: Gordon Hill <gordon@christielake.ca>
Sent: August 28, 2021 5:40 PM
To: ccorkery@Halpenny.com; mwhte@halpenny.com
Cc: 'TVT Clerk'
Subject: TVT Private Unassumed Roads Working Group ("the Working Group")
Attachments: PURWG qustns to insce advsrs- meeting (21-08-25).doc

Dear Ms. Corkery and Mr. White

I am member of the Working Group. I was both pleased and informed by your presentations last Wednesday afternoon/evening, and I thank you for taking the time to address and inform us.

Prior to the meeting I had prepared a few questions, the answers to which may help the Working Group in its deliberations. Since it became evident at the meeting that there would not be time for questions, I have taken the liberty of sending the questions to both of you in hopes that you may assist further by providing answers. I anticipate that my questions and your answers will be circulated to all members of the Working Group and the TVT staffers seconded to it. For that reason, I request that you please answer each question by inserting your answer(s) immediately beside or below the question in a colour and/or font that is easily distinguishable from the black Calibri 12 font that I have used for the questions. A response with a week to 10 days would be appreciated.

Please address your reply to me with Cc. to the TVT Clerk.

Many thanks and best regards

Gordon L. Hill Q.C. (retired)

Street and Mailing Address: 247 Douglas Lane, Perth, Ontario K7H 3C9, CANADA

Electronic Contacts: Tel: 613-267-5478; Eml: gordon@christielake.ca

Private Unassumed Roads Working Group
Meeting August 25, 2021

] Questions for Insurance Brokers
Halpenny Insurance Brokers Ltd.
Carolyn Corkery and Matthew White

- 1 What is TVT's maximum general liability coverage per occurrence?
- 2 Do you consider that amount adequate for a rural municipality of our population and geographic size and location?
- 3 If not adequate, what amount do you recommend?
- 4 What is the amount of the most recent annual premium for TVT's liability coverage?
- 5 Does TVT have excess liability insurance coverage above the amount mentioned in the answer to question 4? If so, how much excess coverage does TVT have, and what is the current annual premium for that coverage?
- 6 Hypothetical Question.
Assume that:
 - (a) in 2021 a catastrophic accident happened on one of TVT's "private unassumed roads",
 - (b) TVT is judged to be 100% responsible,
 - (c) damages are set at \$5 million,
 - (d) there is no indemnity to which TVT may resort (i.e. no Road Access Agreement ("RAA") in place with respect to road in question);
 - (e) TVT's insurer pays the claim in full; and
 - (f) no other claims are made against TVT in the premium year in which the catastrophic accident happened.

Question:

When TVT renews (or attempts to renew) its insurance coverage in 2022, what will likely be the approximate increase in TVT's insurance premium as a result of that catastrophic claim, both in terms of dollar amount and % increase over the current premium?

- 6 Hypothetical Question
Assume that an RAA made in 2020, between a property owner and TVT obligates the property owner to purchase Commercial General Liability Insurance which provides for the following coverages "as required by the Township's insurer" :
 - (a) no less than \$5 million coverage per occurrence,
 - (b) TVT must be named as an additional insured;
 - (c) provision for cross liability; and
 - (d) at least 5 million non-owned (including contractually non-owned) automobile coverage.

Questions:

- (1) Does the Township's current insurer actually require TVT to obtain such coverage?
- (2) Approximately how much would that Commercial General Liability Insurance cost the average individual purchaser?
- (3) Does such coverage, whether or not actually required by the insurer, help reduce the premium that TVT is required to pay for its coverage? If so, approximately how much is the reduction?

7 Hypothetical Question:

Assume an RAA made between TVT and a property owner on an unassumed road requires that property owner to:

- (a) have such work itemized and approved by TVT before undertaking construction or maintenance;
- (b) complete the approved work in accordance with the "Private Road Construction Standards" and the "Fire Department Access Route- Access Design" Section 3.2.5.6 of the Ontario Building Code; and
- (c) complete such work to the satisfaction of the Public Works Manager and the Fire Chief.

Question

In your opinion, is there a reasonable risk to TVT that, by imposing the requirements listed above in the RAA, TVT may have exercised such management and control of the maintenance of the road that it will be deemed to have assumed the road and thereby assumed responsibility and liability for its maintenance? In other words, is there a reasonable risk that a court might consider such action to be a *de facto* assumption of the road, notwithstanding that TVT has not passed by-law by which it expressly assumes the road?

Would you recommend that TVT take legal advice on this issue?

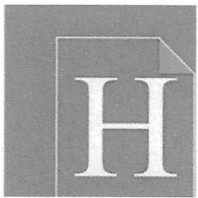
Gordon Hill

From: Carolyn Corkery <ccorkery@halpenny.com>
Sent: August 31, 2021 2:35 PM
To: Gordon Hill
Cc: 'TVT Clerk'; Matthew White
Subject: TVT Private Unassumed Roads Working Group ("the Working Group")

Good afternoon

We have provided a response to the Township. Please contact the Ms. Mabo to review.

Regards, Carolyn

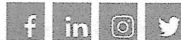


Carolyn Corkery, FIIC, CRM
Vice-President,
Halpenny Insurance Brokers Ltd.

A 1550A Laperriere Ave. Suite 104, Ottawa, ON, K1Z 7T2

P (613) 722-7626 Ext.272 TF 1-800-635-3508

E ccorkery@halpenny.com W www.halpenny.com



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Notice: If you request coverage and/or policy changes by mail, email, facsimile or voice-mail, receipt must be confirmed by a Registered Insurance Broker at Halpenny Insurance.

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From: Gordon Hill <gordon@christielake.ca>
Sent: Saturday, August 28, 2021 5:40 PM
To: Carolyn Corkery <ccorkery@halpenny.com>; mwhite@halpenny.com
Cc: 'TVT Clerk' <clerk@tayvalleytwp.ca>
Subject: TVT Private Unassumed Roads Working Group ("the Working Group")

Dear Ms. Corkery and Mr. White

I am member of the Working Group. I was both pleased and informed by your presentations last Wednesday afternoon/evening, and I thank you for taking the time to address and inform us.

Prior to the meeting I had prepared a few questions, the answers to which may help the Working Group in its deliberations. Since it became evident at the meeting that there would not be time for questions, I have taken the liberty of sending the questions to both of you in hopes that you may assist further by providing answers. I anticipate that my questions and your answers will be circulated to all members of the Working Group and

Gordon Hill

From: TVT Clerk <clerk@tayvalleytwp.ca>
Sent: October 18, 2021 4:05 PM
To: Gordon Hill
Cc: rdarling.tayvalley@gmail.com; grichardson.tayvalley@gmail.com; TVT Planner; F Barrett; Frank Johnson
Subject: Response to Insurance Questions
Attachments: 21-10-18 - Private Unassumed Roads - Response to Insurance Questions.pdf

Hi Gordon,

Please find attached a response to your insurance questions related to private unassumed roads.

Amanda Mabo, Dipl.M.M, CMO

Acting CAO/Clerk

Tay Valley Township

217 Harper Road, Perth, ON K7H 3C6

T: 613-267-5353 ext. 130 or 1-800-810-0161

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October 18, 2021

Gordon Hill
247 Douglas Lane
Perth, ON K7H 3C9
gordon@christielake.ca

Dear Gordon Hill:

RE: Inquiries regarding Insurance Coverage Obtained by Tay Valley Township

We have had the opportunity to review and consider the questions that you have put to the Township's Insurance Brokers regarding insurances coverages, including policies currently held by the Township.

We understand that these inquiries have been made with a view to informing future discussions of the Private Unassumed Roads Working Group. We have considered the questions in light of the objectives of the working group which has been convened to explore options that may be considered by the Township to address longstanding issues relating to the use and maintenance of, and responsibility for, certain roads which are not public highways and have not been assumed into the Township's road network but which are located on property owned by the Township.

Working with the Township's insurance broker, we have assembled the following information which we hope you will find helpful:

- (1) Coverages provided in the Township's current insurance policies include:
 - a. Maximum municipal general liability coverage: \$5,000,000. Limit / Aggregate except as otherwise stated
 - b. Excess liability coverage: \$45,000,000. Limit / Aggregate
- (2) Most recent annual premium paid by the Township in respect of municipal general liability coverage: \$37,000.
- (3) Most recent annual premium paid by the Township in respect of the above excess liability coverage: \$6,184.

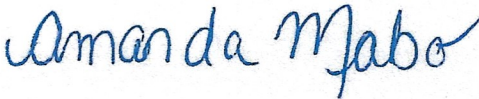
- (4) The requirement that property owners who are entering into Road Access Agreements in respect of private unassumed roads obtain insurance coverage has not been imposed by the Township's insurers but forms part of the Township's current risk mitigation strategy associated with such agreements.
- (5) The existence of Road Access Agreements and the contents of such agreement have not yet been a focus for the Township's insurers in determining coverage and related premiums.
- (6) It is not possible for the Township's insurance broker to provide advice as to the cost of insurance for individual property owners as this may vary significantly based on individual circumstances. The Township's broker has suggested reaching out to the Federation of Ontario Cottager's Association to provide anecdotal indications of the premiums that some of their members pay for insurance policies obtained by road associations.

Other questions contained in your correspondence relate to the decisions which the Township has made with respect to the acceptable amount of coverage or are based on hypothetical scenarios. With respect to coverage amounts, we note that the Township considers many factors when considering how much insurance coverage should be obtained using public funds and these factors may vary significantly from year to year. With respect to the hypothetical scenarios which have been put forward, the number of variables is such that it is not possible to provide a useful response.

Finally, we note that while some of the information contained in this letter may be publicly available, other information is not and therefore we would ask that you use every reasonable effort to ensure that the circulation of this letter is limited to members of the working group and that copies are not disseminated more widely.

We trust that the above is of assistance and looking forward to continuing a productive discussion with the private unassumed roads working group.

Regards,



Amanda Mabo, Acting CAO/Clerk

cc: Private Unassumed Roads Working Group Members
Noelle Reeve, Planner

Schedule 10(a)

Gordon Hill

From: Gordon Hill <gordon@christielake.ca>
Sent: January 12, 2022 3:22 PM
To: TVT Clerk
Cc: Gene Richardson; RoxAnne Darling; Frank Johnson; F Barrett
Subject: PURWG -Road Access Agreements - two requests

Good afternoon, Amanda

First request

Would you be able to refer me to an Ontario statute or regulation which mandates or authorizes the use of Road Access Agreements ("RAAs") in relation to unassumed municipal roads. I have been unable to find any reference to "Road Access Agreement" in the Municipal Act, the Planning Act, The Public Lands Act, The Highway Traffic Act, the Public Transportation and Highway Improvement Act, the Surveys Act, the Surveyors Act, or even in the chapter titles or index of the Second Edition of *Russell on Roads* which was published in 2008. [Note: I understand that there is a Third Edition published in 2015, but I do not have access to it.]

Ontario does have a Road Access Act R.S.O. 1990 c. R.34 but it deals with an entirely different subject - the procedure to be followed when closing of a private road which provides the only access to a property owned by a third party. That Act makes no mention of RAAs made between land owners and municipalities.

FYI - I am not suggesting that the Township lacks authority to enter into RAAs with landowners. I just want to know if there is provincial legislation dealing with the subject matter and, if so, what it says.

Second request

It is my understanding that only a handful of RAAs (less than 10) have been signed by Township residents since RAAs were introduced in 2009. If that is the case, would you kindly arrange to have those RAAs scanned and posted on the Working Group's website at <https://www.tayvalleytwp.ca/en/municipal-government/private-unassumed-roads-working-group.aspx#Additional-Information>. I would like to see if, and the extent to which, the wording of the RAAs has changed over the years. The names of land owners and the location of their respective properties is of no particular concern to me, so I have no objection if you prefer to redact the owners' names, signatures and property addresses, but please do not redact the dates of the RAAs or the names and/or signatures of those who signed the RAAs on behalf of the Township.

Thanks and best regards

Gordon L. Hill

Street and Mailing Address: 247 Douglas Lane, Perth, Ontario K7H 3C9, CANADA

Electronic Contacts: Tel: 613-267-5478; Eml: gordon@christielake.ca

Gordon Hill

From: TVT Clerk <clerk@tayvalleytwp.ca>
Sent: February 10, 2022 10:17 AM
To: Gordon Hill
Cc: grichardson.tayvalley@gmail.com; rdarling.tayvalley@gmail.com; Frank Johnson; F Barrett; Brian Campbell; Barrie Crampton; TVT Planner
Subject: RE: PURWG -Road Access Agreements - two requests

Hi Gordon,

My apologies for not responding sooner. I have spent the last two days responding to emails from as far back as early December last year, we are extremely busy.

In response to your first question, if a piece of legislation does not specifically provide authority to a municipality to undertake a matter, then the default is the Municipal Act. Section 8 provides the municipality with the powers of a natural person and the authority to govern their affairs as they consider appropriate. Please note that the Road Access Agreement when first instituted in the early 2000's was drafted by legal counsel. It was then reviewed again at least four times since then to ensure it is up to date. It has not changed substantially.

With regards to copies of the RAA's. Please understand that these are not readily available, meaning they are in hard copy in the respective property files. The manual search would take a considerable amount of staff time. At this stage I am not sure the relevance of needing to review these as the goal of the Working Group is to find options to remove the need for RAA's. Just my advice, but I believe this would not be a beneficial exercise. The focus should not be dwelling on how the Township arrived at using RRA's but what is the best course of action moving forward. Please be assured that we are working on those options and are hoping to have something in front of the Working Group before the end of March, with the end goal being to have the entire process complete this term of Council.

Thanks,

Amanda Mabo, Dipl.M.M, CMO

Acting CAO/Clerk

Tay Valley Township

217 Harper Road, Perth, ON K7H 3C6

T: 613-267-5353 ext. 130 or 1-800-810-0161

F: 613-264-8516

E: clerk@tayvalleytwp.ca

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From: Gordon Hill <gordon@christielake.ca>

Sent: January 12, 2022 3:22 PM

To: TVT Clerk <clerk@tayvalleytwp.ca>

Cc: grichardson.tayvalley@gmail.com; rdarling.tayvalley@gmail.com; Frank Johnson <president@lsrl.ca>; F Barrett <fred.barrett2@sympatico.ca>

Subject: PURWG -Road Access Agreements - two requests

Gordon Hill

From: Gordon Hill <gordon@christielake.ca>
Sent: February 15, 2022 10:40 PM
To: Gene Richardson; RoxAnne Darling; Frank Johnson; F Barrett
Cc: 'TVT CAO'; planner@tayvalleytwp.ca
Subject: FW: Sleepy Hollow Rd (Christie Lake)
Attachments: plan_PL4 - sleepy hollow road.TIF; 20220215153626329.pdf

I learned today that we have another unassumed Township road to consider. The attached copy of Plan 4 was registered in the Land Registry Office for the Registry Division of Lanark South (No 27) on November 4th, 1974. The lands in question are in the former Twp. of South Sherbrooke. Donald Phillips McAlpine signed Plan 4 as owner. He was also the developer of Plan 2 (former Twp. of Bathurst) which has an unassumed Township road, namely, Killarney Lane. By virtue of the registration of Plan 4, the former Twp. of South Sherbrooke became the owner of Sleepy Hollow Rd. - which provides access to 35± cottages on Christie Lake. The Owners' Certificate dedicates Sleepy Hollow Road and Pine Ridge Road (which I couldn't find on Plan 4) as Public Highways.

The Abstract obtained from GeoWarehouse indicates that Sleepy Hollow Road is owned by the Corporation of the Township of Bathurst, North Burgess & South Sherbrooke (which, as we all know, is now named Tay Valley Township) and is registered in the Land Registry Office for Lanark (No. 27) as parcel number 05215-0156. An Onland search at <https://www.onland.ca/ui/27/property/pin> confirms the GeoWarehouse information.

The TVT website at <https://www.tayvalleytwp.ca/en/municipal-government/resources/20-01-07---Private-Roads-List.pdf> indicates that Sleepy Hollow Road from Althorpe Rd to the dead end is a private road. However, the Municipal Act S. O. 2001, c. 25; S.26(5) says otherwise when it states:

"The following are highways unless they have been closed:

(5) all road allowances, highways, streets and lanes shown on a registered plan of subdivision.

S. 1(1) defines "highway" to mean "a common and public highway and includes ...N/A"

Best regards

Gordon L. Hill

Street and Mailing Address: 247 Douglas Lane, Perth, Ontario K7H 3C9, CANADA

Electronic Contacts: Tel: 613-267-5478; Eml: gordon@christielake.ca

Gordon Hill

From: TVT Clerk <clerk@tayvalleytwp.ca>
Sent: February 18, 2022 10:05 AM
To: Gordon Hill; grichardson.tayvalley@gmail.com; rdarling.tayvalley@gmail.com; Frank Johnson; F Barrett
Cc: TVT CAO; TVT Planner
Subject: RE: Sleepy Hollow Rd (Christie Lake)

Hi Gordon,

Yes, the Township is aware of this additional road, plus others in this subdivision.

It is currently listed on the spreadsheet as "1 Possible Other Subdivision with multiple roads – still being researched". The reason for this is the Township is still awaiting confirmation on some additional pieces of information. We hope to have it sorted out shortly so that the additional roads can be added to spreadsheet, and we will share with the group.

Thanks,

Amanda Mabo, Dipl.M.M, CMO

Acting CAO/Clerk

Tay Valley Township

217 Harper Road, Perth, ON K7H 3C6

T: 613-267-5353 ext. 130 or 1-800-810-0161

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From: Gordon Hill <gordon@christielake.ca>

Sent: February 15, 2022 10:40 PM

To: grichardson.tayvalley@gmail.com; rdarling.tayvalley@gmail.com; Frank Johnson <president@lsrl.ca>; F Barrett <fred.barrett2@sympatico.ca>

Cc: TVT CAO <cao@tayvalleytwp.ca>; TVT Planner <planner@tayvalleytwp.ca>

Subject: FW: Sleepy Hollow Rd (Christie Lake)

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I learned today that we have another unassumed Township road to consider. The attached copy of Plan 4 was registered in the Land Registry Office for the Registry Division of Lanark South (No 27) on November 4th, 1974. The lands in question are in the former Twp. of South Sherbrooke. Donald Phillips McAlpine signed Plan 4 as owner. He was also the developer of Plan 2 (former Twp. of Bathurst) which has an unassumed Township road, namely, Killarney Lane. By virtue of the registration of Plan 4, the former Twp. of South Sherbrooke became the owner of Sleepy Hollow Rd. - which provides access to 35± cottages on Christie Lake. The

THE CORPORATION OF THE TOWNSHIP OF SOUTH SHERBROOKE

BY-LAW NO. 535

A By-law to enter into an agreement imposed as a condition to the approval of a Plan of Subdivision.

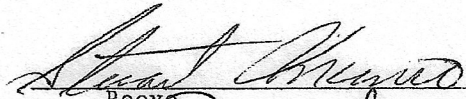
WHEREAS The Planning Act, R.S.O. 1970, Chapter 349, as amended, Section 33 (6) authorizes a municipality to enter into a subdivision agreement and;

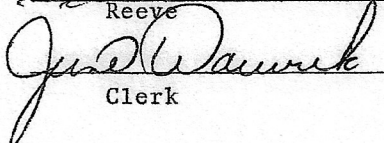
WHEREAS an agreement has been entered into between the Corporation of the Township of South Sherbrooke and Lakeside Living Limited upon such terms and conditions as are suitable to both of the parties involved, and which said agreement is attached hereto as Schedule "A" and forms part of this By-law.

NOW THEREFORE, the Council of the Corporation of the Township of South Sherbrooke ENACTS AS FOLLOWS:

1. That the Council of the Corporation of the Township of South Sherbrooke hereby authorizes and approves the land subdivision agreement dated September 2nd, 1980, as amended, between the Township of South Sherbrooke and Lakeside Living Limited.

Read a First, Second and Third time, this 14th day of October A.D. 1980.


Reeve


Clerk

THIS SUBDIVISION AGREEMENT made (in quadruplicate) the 2nd day of September, A.D. 1980.

BETWEEN:

LAKESIDE LIVING LIMITED,

hereinafter called the "Subdivider"

OF THE FIRST PART,

AND

THE CORPORATION OF THE TOWNSHIP

OF SOUTH SHERBROOKE,

hereinafter called the "Township"

OF THE SECOND PART.

WHEREAS the lands to which this agreement applies are shown on the draft Plan of Subdivision attached as Schedule "B", are located in Lot Number 13, Concession 5, and Lot Number 13, Concession 6, both in the Township of South Sherbrooke.

AND WHEREAS the Subdivider purports to be the Owner of the said lands and has applied to the Minister of Housing for approval of a Plan of Subdivision.

AND WHEREAS the Township has recommended to the Ministry that the Subdivider shall service such Plan, and undertake to make such financial arrangements with the Township for the installation and construction of the said services before obtaining the approval of the said Plan by the Ministry.

NOW THEREFORE THIS INDENTURE WITNESSETH that in consideration of the Township recommending approval of the said proposed Plan of Subdivision, and in consideration of the sum of ONE DOLLAR (\$1.00) of lawful money of Canada, now paid by the Township to the Subdivider (the receipt whereof is hereby acknowledged) and in consideration of the mutual covenants hereinafter expressed, the parties hereto covenant and agree one with the other as follows: -

1. In this agreement:

"Plan" or "Plan of Subdivision" or "Subdivision" means the proposed Plan of Subdivision submitted by the Subdivider for approval and includes the lands described in Schedule "A" and shown in Schedule "B".

"Township Engineer" includes any engineer designated by the Council of the Township.

2. The following Schedules are attached hereto and form part of this agreement:

"A" Description of lands to which this agreement applies;

"B" Draft Plan of Subdivision. It is acknowledged by the parties that if the Subdivision Agreement is registered after the Plan is approved, the draft Plan of Subdivision shall be removed and a written description of the lands shall be included;

"C" Schedule of lands for municipal purposes;

"D" Road standards;

"E" Terraine, Hydrogeological and Ecological Analysis prepared by Water and Earth Science Associates Ltd.

ROADS

3. The Subdivider agrees that:

(a) The roads known as Pond Road, Red Pine Road, Pond Lane, Oak Lane, Red Pine Lane, and Maple Lane, on the attached Subdivision Plan (Schedule "B") are and shall remain private roads until assumed by the Corporation of the Township of South Sherbrooke by By-Law.

(b) The Township will accept responsibility for the maintenance and repair of the said roads or portions thereof, when the said roads are brought up to the standards described on Schedule "D" attached hereto.

(c) Until such time as the roads are accepted by the Township, it is understood and agreed that the maintenance and repair of the roads is to remain the responsibility of the Subdivider, until such time as the roads are brought up to standards.

(d) The Subdivider agrees at its expense to bring the said roads up to acceptable standards as set down by the Ministry of Transportation and Communication within three years of the date of the registration of the Plan, and the Township agrees to assume the said roads by By-Law at the next regular Township Council meeting after the said roads have been approved by the Township Engineer.

(e) The purchasers of each of the lots on the

attached Subdivision Plan shall be made aware of the provisions of this agreement as it pertains to the Subdivision Roads, by the Subdivider at the time of each purchase.

(f) The performance by the Subdivider of its obligations under this Agreement to the satisfaction of the Township Engineer shall be a condition precedent to the acceptance by the Township of the said works.

LANDS FOR MUNICIPAL PURPOSES

4. The Subdivider further agrees to grant in fee simple, free of charge and free of all encumbrances, unto the Township, the lands set forth in Schedule "C" hereto for municipal purposes other than roads, as indicated on the attached draft Plan of Subdivision, or cash in lieu of lands as set out in Schedule "C" hereto. The deeds for the said lands and easements shall be delivered to the Township's Solicitor by the Subdivider before the approval of the said Plan is requested from the Township, with the registered number of the Plan left blank for later filling in. The cost of registration shall be paid by the Subdivider. The Township will cooperate with the Subdivider in acquiring easements outside the Subdivision where necessary.

DRAINAGE

5. The Subdivider agrees not to interfere in any way with any existing drain or water course, without the written permission of the Township. The Subdivider agrees that the granting of such permission shall not relieve the Subdivider of responsibility for any damage caused by such interference and the Subdivider will indemnify and save the Township harmless against any claims brought against the Township relating to such damage; provided the Township will give the Subdivider opportunity to defend any such claim.

HYDRO INSTALLATIONS

6. The parties hereto acknowledge that hydro service may be installed upon all of the roads shown in Schedule "B". The Subdivider agrees to arrange for installation of hydro service along the said roads in one stage or in a number of

stages.

ACCEPTANCE OF WORKS

7. Before applying for final acceptance of any of the works or any part thereof, the Subdivider shall supply the Township with a Statutory Declaration that all accounts for work and materials have been paid except normal guarantee holdbacks, and that there are no claims for liens or otherwise in connection with such work done or materials supplied for or on behalf of the Subdivider.

When the works set out in this Agreement or any part thereof have been executed in accordance with this Agreement and specifications, and all Township accounts have been paid, the Council shall pass a resolution accepting the completed work.

Upon the said resolution being passed the ownership of the works shall vest in the Township and the Subdivider shall have no claim or rights thereto, other than those accruing to it as the owner of the lands abutting on streets on which the works were installed.

WELLS AND SEPTIC SYSTEMS

8. The Subdivider covenants on behalf of itself, its successors and assigns, the owner or owners from time to time of any lot or lots, described in Schedule "A" attached hereto as follows:

(a) To follow the recommendations contained in Section 4.1 of the Terrain, Hydrogeological and Ecological Analysis attached hereto as Schedule "E";

(b) To inform prospective purchasers of the lots described in Schedule "A" attached hereto, at the time of Offer of Purchase and Sale that wells should be designed, located and constructed as outlined in the Terrain, Hydrogeological and Ecological Analysis attached hereto as Schedule "E";

(c) That all lots shall be made suitable for the installation of sewage systems prior to or at the building permit stage by the siting of sewage systems and the placement of suitable fill to the satisfaction of the Leeds, Grenville and Lanark District Health Unit in accordance with Ontario Regulation 229/74 made under The Environmental Protection Act.

(d) To inform prospective purchasers in wording acceptable to the Ministry of the Environment at the time of Offer of Purchase and Sale of the requirement respecting suitability of lots for sewage systems.

FINANCIAL REQUIREMENTS

9. The Subdivider hereby agrees to deposit with the Township's Solicitor a fully executed deed for Lot Number Nine on the said Plan of Subdivision, which shall not be registered, but shall remain on file with the Township's Solicitor. If, within the time limit set out in Paragraph 3 (d), the Subdivider has not brought the said roads up to acceptable standards, the deed may be registered by the Township, and the said lot may be sold by the Township for fair market value, it being understood that the proceeds from the sale of the said lot shall be used by the Township to pay for the improvement of the roads in accordance with paragraph 3 (d), provided that if the cost to the Township is greater than the proceeds from the sale of the said lot, the Township may claim the excess from the Subdivider, and provided further that if the cost to the Township is less than the proceeds from the sale of the lot, the Township will pay the excess to the Subdivider. It is further agreed that if, while the Township's Solicitor is holding the deed in his file, the Subdivider obtains a purchaser for Lot Number Nine, the Solicitor will release the deed to Lot Number Nine upon receiving a replacement deed to another lot within the said Plan of Subdivision, acceptable to the Township.

Upon the roads being brought up to acceptable standards in accordance with paragraph 3(d), the Township agrees to instruct its solicitor to return the deeds to the Subdivider,

and it is further agreed that the deed may be destroyed by the Subdivider.

LAND DEDICATION AND EASEMENTS

10. The Subdivider shall forthwith convey to the Township, and/or the County of Lanark, as the case may be, the 0.3 metre reserves shown as Blocks 58,59,60,62,64,and 66 on Schedule "B" hereto annexed. The deeds therefore shall be registered at the expense of the Subdivider immediately following the registration of the said Plan.

PAYMENT OF TAXES

11. (a) The subdivider agrees to pay all arrears of taxes outstanding against the property herein described before the approval of the said Plan is required.

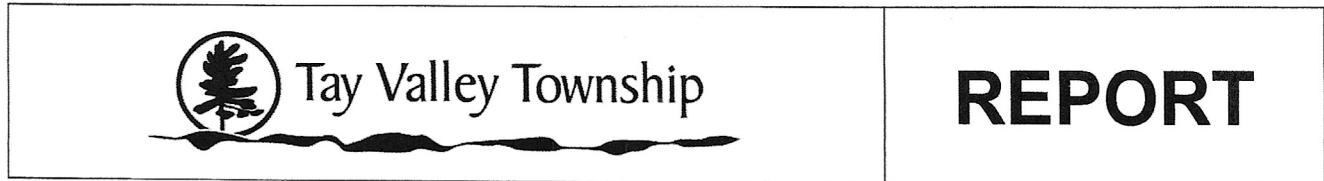
(b) The Subdivider further undertakes and agrees to pay all taxes levied or which may be levied on the said lands on the basis and in accordance with assessment and the collector's roll entries appearing from time to time, until such time as the lands herein being subdivided can be assessed according to the Registered Plan.

ZONING AND BUILDING RESTRICTIONS

12. The Subdivider agrees with the Township that the Subdivider shall not make any application for and the Township shall not be bound to issue to the Subdivider any building permits for structures to be erected on lots on the said Plan of Subdivision to which this Agreement applies, until all of the lands required to be conveyed to the Township and the deeds therefor have been lodged with the Township solicitor, and the Subdivider agrees to indemnify and save harmless the Township from any and all claims, demands and causes of action arising out of the provisions of this paragraph.

REGISTRATION OF AGREEMENT

13. This Agreement shall be registered by the Township's Solicitor at the expense of the Subdivider immediately following the registration of the said Plan, and the registered duplicate of this Agreement and any deed or deeds of conveyance to the Township, shall be lodged with the Township Clerk.



COMMITTEE OF THE WHOLE
October 6th, 2020

Report #C-2020-15
Amanda Mabo, Acting Chief Administrative Officer/Clerk

MABERLY PINES SUBDIVISION

STAFF RECOMMENDATION(S)

"THAT, Council adopt the necessary by-laws at its October meeting of Township Council to sell Lot 44 in the Maberly Pines Subdivision."

BACKGROUND

At its regular meeting held August 13, 2013, Council passed the following resolution:

"That, Council declare Lots 14, 37, and 44 on Plan 21 being a plan of subdivision known as Maberly Pines surplus to current needs;

And that, Council authorize staff to engage a real estate broker to sell these lands on behalf of the Township."

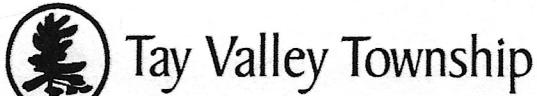
Following a request for quotations sent to three local real estate brokers; Coldwell Banker was chosen to list the lands for sale.

In 2015, Lot 14 was sold and in 2018, Lot 37 was sold, Lot 44 has remained in the Township's ownership and listed on the Township's website as municipal property for sale, the property is just over 1.5 acres in size with frontage on Red Pine Lane, the lot is vacant and is zoned Residential which permits a single family dwelling and a bed and breakfast.

DISCUSSION

Staff have been contacted with interest in purchasing the property as listed on the Municipal website. A Purchase and Sale Agreement was entered into for the full asking price of \$12,000, less adjustments, and a deposit taken.

The next step is for Council to adopt the necessary by-laws so that the transaction can be finalized.



**COUNCIL MEETING
MINUTES**

**Tuesday, October 20th, 2020
5:30 p.m.
Conference Call**

ATTENDANCE:

Members Present: Chair, Reeve Brian Campbell
Deputy Reeve Barrie Crampton
Councillor Fred Dobbie
Councillor Rob Rainer
Councillor Beverley Phillips
Councillor Mick Wicklum
Councillor Gene Richardson
Councillor RoxAnne Darling

Staff Present: Amanda Mabo, Acting CAO/Clerk
Janie Laidlaw, Deputy Clerk
Noelle Reeve, Planner

Regrets: None

1. CALL TO ORDER

The meeting was called to order at 5:30 p.m.
The Reeve conducted Roll Call.
A quorum was present.

The Reeve overviewed the Teleconference Participation Etiquette that was outlined in the Agenda.

2. AMENDMENTS/APPROVAL OF AGENDA

The Agenda was adopted as presented.

3. DISCLOSURE OF PECUNIARY INTEREST AND/OR CONFLICT OF INTEREST AND GENERAL NATURE THEREOF

None at this time.

X

iv)

By-Law No. 2020-043 – Sale of Surplus Municipal Land (Maberly Pines Subdivision Lot 44).

Council asked where the proceeds from the sale were going. The Acting CAO/Clerk informed Council that generally they go into the contingency reserve, but informed Council that the Treasurer will provide a report on the amount received from this sale as well as the previous sales in Maberly Pines so that Council can discuss where they would like the proceeds from the sales to be allocated.

X

RESOLUTION #C-2020-10-28

MOVED BY: Rob Rainer

SECONDED BY: RoxAnne Darling

“THAT, By-Law No. 2020-043, being a by-law to Sell Lands declared Surplus to the Municipality’s Needs (Maberly Pines – Lot 44), be read a first, second and third time short and passed and signed by the Reeve and Clerk.”

(SEE RECORDED VOTE)

Councillor RoxAnne Darling requested a recorded vote on Resolution #C-2020-10-28:

For:	Reeve Brian Campbell	1
	Deputy Reeve Barrie Crampton	1
	Councillor Fred Dobbie	1
	Councillor Gene Richardson	1
	Councillor Rob Rainer	<u>1</u>
		5
Against:	Councillor Beverley Philips	1
	Councillor RoxAnne Darling	1
	Councillor Mick Wicklum	<u>1</u>
		3
Absent:		0
Total:		8

ADOPTED



Tay Valley Township

COUNCIL MEETING AGENDA

Tuesday, October 20th, 2020
5:30 p.m.
Conference Call

Dial-In Number 1-855-344-7722 or 613-244-1312
Conference ID: 1554771

GoToMeeting: <https://global.gotomeeting.com/join/839564869>

Teleconference Participation Etiquette

- a meeting via teleconference shall never be treated differently than a meeting in person, whereby all attendees shall abide by proper meeting procedure and etiquette;
 - as meeting attendees log onto the teleconference line, you will likely hear others join as well (this will be signified by a beeping noise);
 - we ask that all attendees mute their phones; doing so will eliminate any background noise and create a much more seamless process (for Members only - if/when you wish to speak during the meeting, you will simply unmute your phone and upon completion of your thought, please re-mute)
 - the Chair will call the meeting to order at the time indicated on the agenda and at that time we ask that everyone else remain silent;
 - roll call will be completed at which time Members will simply respond "present";
 - the Chair will then remind all attendees to place their phones on mute
 - as the Chair moves through the agenda, he will call on the appropriate staff person to speak to their reports;
 - we request that you retain your questions until the end of the report, at which time the Chair will ask if anyone has questions;
 - you will be required to say your name (ex. Deputy Reeve Crampton) and if more than one Member has a question, the Clerk will tally the names and those will then be asked to speak in the sequence to which they made the request;
 - when the Chair calls a vote, remaining silent indicates you are in favour. For those opposed, please state your name.
-

THE CORPORATION OF TAY VALLEY TOWNSHIP

BY-LAW NO. 2020-043

**SALE OF SURPLUS MUNICIPAL LAND
(MABERLY PINES SUBDIVISION – LOT 44)**

WHEREAS, Section 270 (1) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that a municipality shall adopt and maintain a policy with respect to the sale and other disposition of land;

AND WHEREAS, By-Law #2012-036 establishes a policy governing the sale and other disposition of land;

AND WHEREAS, public notice was published in the local newspaper on February 12th and 19th, 2015, has been published on the Township website since February 2015 and provided publicly via the agenda for the Committee of the Whole Meeting on October 6th, 2020 and Council Meeting on October 20th, 2020, with such notice offering an opportunity for any person to address concerns related to sale.

AND WHEREAS, the Council of the Corporation of Tay Valley Township adopted Resolution #C-2013-08-03, declaring the subject lands surplus to its needs;

NOW THEREFORE BE IT RESOLVED THAT, the Council of the Corporation of Tay Valley Township enacts as follows:

1. GENERAL REGULATIONS

- 1.3 **THAT**, the sale of municipal land as legally described in Schedule "A" be approved by Council.
- 1.4 **THAT**, Plan PL21 is attached hereto as Schedule "B" and shall be for information purposes only, and not form part of this bylaw.
- 1.5 **THAT**, the said municipal land as described in Schedule "A" is to be sold for the sum of \$12,000 excluding HST.
- 1.6 **THAT**, the sale of the land is conditional on the signing of the necessary road access agreement by the purchaser.
- 1.7 **THAT**, the Reeve and Clerk are hereby authorized on behalf of the Corporation of Tay Valley Township to execute all documentation required to complete the transfer of ownership.

**THE CORPORATION OF TAY VALLEY TOWNSHIP
BY-LAW NO. 2020-043**

2. ULTRA VIRES

Should any sections of this by-law, including any section or part of any schedules attached hereto, be declared by a court of competent jurisdiction to be ultra vires, the remaining sections shall nevertheless remain valid and binding.

3. EFFECTIVE DATE

ENACTED AND PASSED this 20th day of October 2020.

Brian Campbell, Reeve

Amanda Mabo, Clerk

**THE CORPORATION OF TAY VALLEY TOWNSHIP
BY-LAW NO. 2020-043**

SCHEDULE "A"

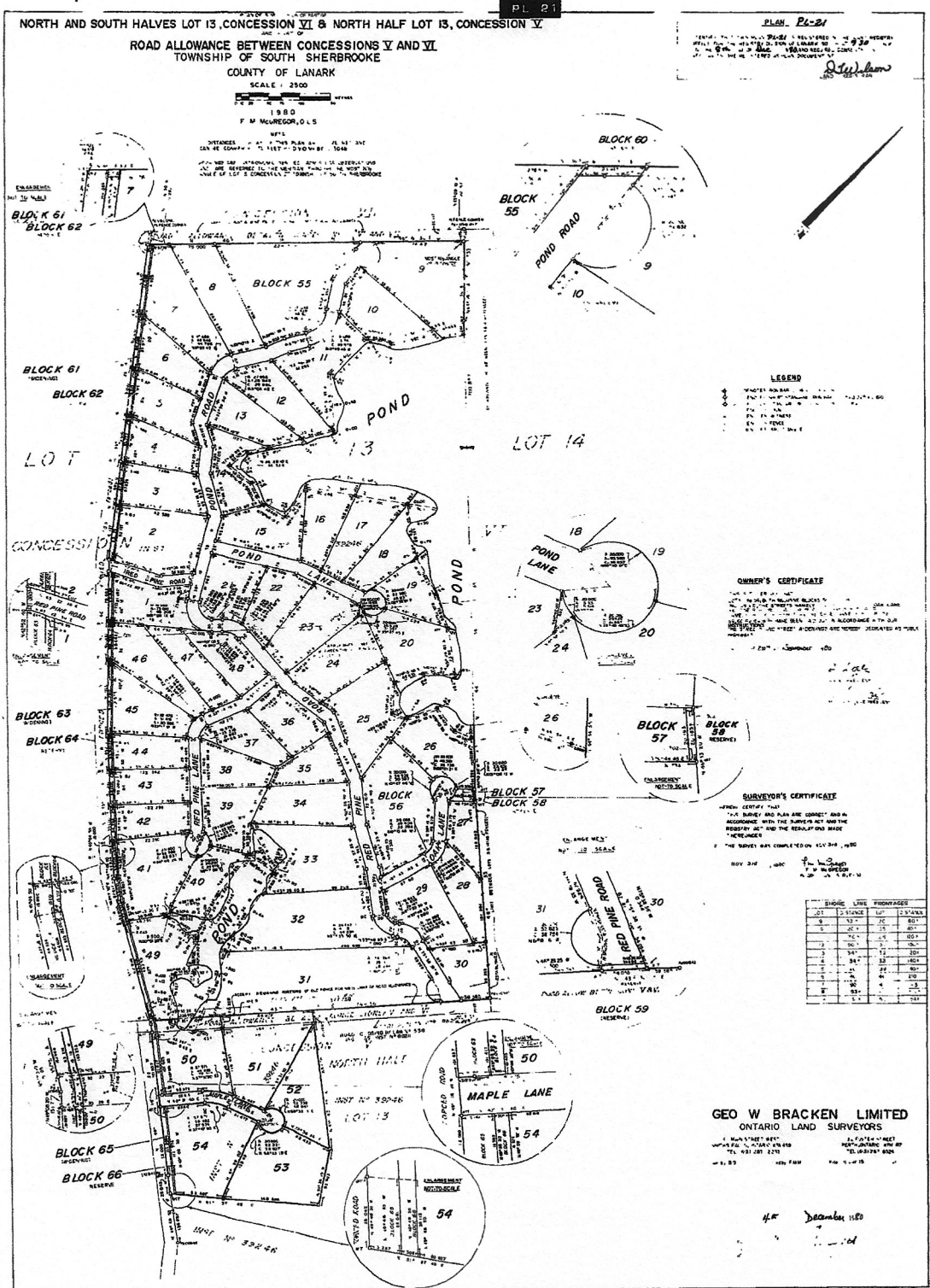
Municipal Land

Lot 44 Plan 21, SOUTH SHERBROOKE, TWP OF BATH BURG SHERB being all of PIN
05213-0144 (LT), Roll Number – 0911-014-010-01544.

Schedule 14 P.7

THE CORPORATION OF TAY VALLEY TOWNSHIP
 BY-LAW NO. 2020-043

SCHEDULE "B"



Gordon Hill

From: TVT Treasurer <treasurer@tayvalleytwp.ca>
Sent: May 4, 2022 1:07 PM
To: Gordon Hill
Cc: TVT Clerk
Subject: Request for information

Hi Gordon

As per your phone call this morning I have confirmed the following, at our first interim billing (January 2022) we sent out 5,358 tax bills.

Again it is worth noting that this includes all properties (residential, vacant lots, commercial, industrial, etc.).

What it does not include is any properties that are exempt from taxes and don't receive a tax bill (for example: schools, churches/religious sites, conservation authorities, etc.)

And just a note for future, it is preferred if you require information from a staff member, as a member of a committee, that you go through the clerk for this request (I have cc'ed Amanda Mabo on this email).

Thank you,
Ashley

Ashley Liznick, CPA, CA

Treasurer

Tay Valley Township

217 Harper Road, Perth, ON K7H 3C6

T: 613-267-5353 ext. 126 or 1-800-810-0161

F: 613-264-8516

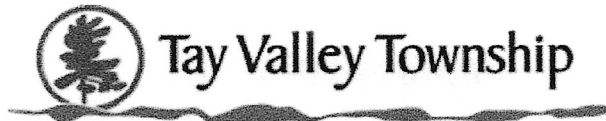
Email: treasurer@tayvalleytwp.ca

www.tayvalleytwp.ca

Tay Valley Township Private Unassumed Roads Options Assessment

Prepared for

Tay Valley Township



217 Harper Road,
Perth, Ontario, K7H 3C6

Prepared by



Jp2g Consultants Inc.

12 International Drive, Pembroke, Ontario, K8A 6W5
T.613.735.2507 F.613.735.4513
Jp2g Project No. 21-7016C

Version 2.2 for Distribution

March 29, 2022

Contents

<u>1.0</u>	<u>Introduction</u>	3
<u>2.0</u>	<u>Background</u>	3
<u>3.0</u>	<u>Option Assessment</u>	4
	<u>3.1 Option #1 Taking Road out of Township Ownership (Private Road)</u>	4
	<u>3.1.1 Liability</u>	5
	<u>3.1.2 Maintenance</u>	5
	<u>3.1.3 Financial</u>	5
	<u>3.1.4 Health & Safety</u>	5
	<u>3.1.5 Risk Reduction Tools</u>	5
	<u>3.1.6 Road Standards</u>	6
	<u>3.1.7 Situations Where Option is Preferred</u>	6
	<u>3.1.8 Impact on Benefiting Property Owners</u>	6
	<u>3.2 Option #2 Road is Township Owned & Assumed (Public Road)</u>	6
	<u>3.2.1 Liability</u>	7
	<u>3.2.2 Maintenance</u>	7
	<u>3.2.3 Financial</u>	7
	<u>3.2.4 Health & Safety</u>	8
	<u>3.2.5 Risk Reduction Tools</u>	8
	<u>3.2.6 Road Standards</u>	8
	<u>3.2.7 Situations where Option is Preferred</u>	8
	<u>3.2.8 Impact on Benefiting Property Owners</u>	9
	<u>3.3 Option #3 Road is Township Owned and Privately Maintained (Status Quo)</u>	9
	<u>3.3.1 Liability</u>	9
	<u>3.3.2 Maintenance</u>	10
	<u>3.3.3 Financial</u>	10
	<u>3.3.4 Health & Safety</u>	10
	<u>3.3.5 Risk Reduction Tools</u>	10
	<u>3.3.6 Road Standards</u>	10
	<u>3.3.7 Situations where Option is Preferred</u>	11
	<u>3.3.8 Impact on Benefiting Property Owners</u>	11
<u>4.0</u>	<u>Summary</u>	11

1.0 Introduction

When approaching an issue such as private unassumed roads, consideration must be given to the Township Council's two main responsibilities: the corporate responsibility to consider the broader public good and minimize exposure to risk; and the responsibility to consider the interests of the individual property owners. In both cases, the issue of private unassumed roads is approached from a risk reduction/risk management perspective. The critical issue for private unassumed roads relates to being able to ensure safe access for emergency vehicles. The options identified below present various degrees of risk associated with emergency vehicle access.

It is understood that there is no one option to address all of the private unassumed road scenarios within Tay Valley Township. When considering the options, the question of which one is best suited to manage the unique situation of a given road and to address public health and safety concerns is paramount.

Going forward, it has been assumed that the intent of this initiative by the Township is to identify the appropriate mechanisms to guarantee private unassumed roads are maintained to a standard to ensure emergency vehicle access, that Council's corporate responsibilities for risk reduction are addressed, and that the burden on the individual property owners is fair and reasonable.

Three ownership/maintenance options have been identified and assessed related to private unassumed roads within Tay Valley Township. The three options are:

Option #1: Taking the Road Out of Township Ownership (Private Road)

Option #2: Road is Township Owned and Assumed (Public Road)

Option #3: Road is Township Owned and Privately Maintained (Status Quo)

It should also be stated that the Township's current approach to private unassumed roads, whereby those wishing to develop or redevelop their lands, accessed by a private unassumed road, are required to enter into a road access agreement, ensure emergency vehicle access, provide proof of insurance coverage, and be placed in the Limited Services Residential zone is a valid option and protects the interests of the Township.

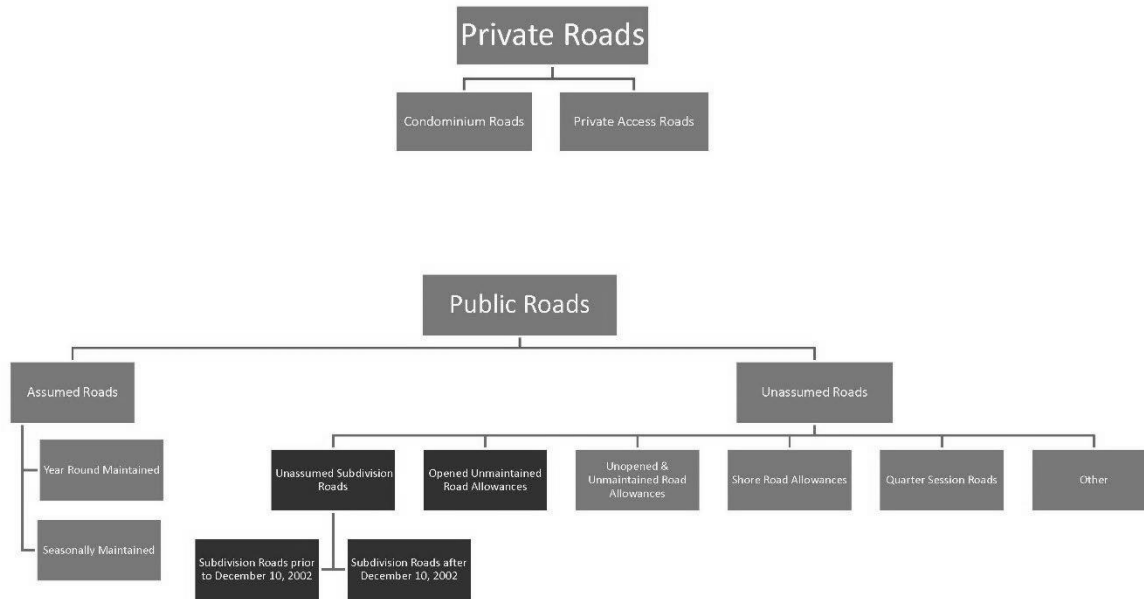
This Report is intended to further the Working Group's discussion by assessing the nature (pros & cons) of the three options under the headings of:

- Liability
- Maintenance
- Financial
- Health & Safety
- Risk Reduction Tools
- Road Standards
- Situations where Option is Preferred
- Impact on Benefiting Property Owners

2.0 Background

The Terms of Reference for the Working Group stressed the need to clearly identify and examine all the issues, problems and risks surrounding the use of private unassumed roads and how to address issues in a manner that is fair and equitable to the general ratepayers of the Township and those benefiting from the use of private unassumed roads to access their property.

For the purpose of this Report, the term “private unassumed roads” is defined as representing all roads owned by the Township but which have not been “assumed” into the municipal “public road system”. It is understood in Tay Valley Township that the majority of private unassumed roads are located within plans of subdivision, registered prior to 2002. There are some situations where the private unassumed roads are on unopened road allowances, not created through a plan of subdivision, and which are incorporated into the category of “private unassumed roads” for purposes of this report. In such situations, the Township does not maintain the private unassumed road. This is distinguished from “private roads” which are located on lands privately owned. This Report will only focus on “private unassumed roads”.



Dark Blue = Private Unassumed Roads

3.0 Option Assessment

The following assessment of the three options is intended to facilitate the Working Group’s discussions on the appropriateness for each option and situations where each option may be preferred.

3.1 Option #1 Taking Road out of Township Ownership (Private Road)

Option #1 consists of a situation where the Township currently owns a private unassumed road and transfers the land to the ownership of a “private road authority”. Ideally, the private road authority would be in the form of a common element condominium corporation or a private road corporation and represent the benefiting property owners. There may also be situations where a private road authority would be a single individual.

Under this option, the road would change from being a “private unassumed road” to a “private road”. Once this transfer takes place, the property would be handled the same as all other private roads within the Township.

3.1.1 Liability

If the lands are transferred to a private road authority such as a condominium corporation or road corporation, the majority of the liability associated with road ownership will be transferred to the new corporation.

Although the Township's liability will be greatly reduced, it will still retain limited liability due to its responsibility as the approval authority to ensure all development can be supported and that it represents good land use planning, not unlike any other existing private road.

It may be beneficial for the new road owner(s) to enter into a Private Road Authority Transfer Agreement with the Township which would detail the new road owner's maintenance program and schedule and insurance obligations.

3.1.2 Maintenance

All of the responsibility for maintenance of the "private unassumed road" would be taken on by the new private road authority. The private road authority's maintenance program and schedule could be detailed in a Private Road Authority Transfer Agreement with the Township. Maintenance programs could include reference to road surface maintenance, snow clearing, ditches and drainage, financing of program, capital repair and replacement. There is most likely some form of maintenance program already in place since the property owners have been responsible for the maintenance on the private unassumed road prior to the transfer.

The Township would continue to have maintenance responsibilities associated with Township intersection controls where the private road abuts an existing public Township road (signage, drainage, grading), similar to the Township's responsibilities where existing private roads abut existing public roads.

3.1.3 Financial

The primary benefit of this option is that it removes the Township's liability costs associated with road ownership. The Township would continue to have the financial responsibilities associated with intersection controls where the private road abuts an existing public road (signage, drainage, grading).

It is assumed that there will be legal costs, surveying costs and staff time involved with such a road transfer. The Township may also consider financial assistance in bringing the private unassumed road up to the minimum private road standard in the form of loans, grants or in-kind contributions.

3.1.4 Health & Safety

Generally, having a private road authority assume the road maintenance responsibilities of the private road would not be comparable to the Township's standard for maintaining public roads. This implies that the private road would be less safe for use by members of the public than a public road.

3.1.5 Risk Reduction Tools

As part of the transfer to the new private road authority, the Township should require a maintenance program and schedule, a report from Emergency Services that the road is of a standard that will permit emergency vehicle access, and proof of sufficient insurance. It may be advisable that this information be in the form of a "Private Road Authority Transfer Agreement" that details the terms, conditions, minimum road standards and responsibilities of the road transfer.

3.1.6 Road Standards

As a minimum, all private unassumed roads transferred out of the Township's ownership to a private road authority should meet the Township's minimum "private road standard" and be deemed to be accessible for emergency vehicles. The emergency vehicle access standard set out in the Ontario Building Code typically forms the basis of a minimum private road standard. The construction or improvement of the private road to the minimum private road standard should be a condition of the transfer of the ownership of the lands to the private road authority.

3.1.7 Situations Where Option is Preferred

This option would be best suited to situations where there is a new benefiting development proposal that has the capacity to assume ownership and maintenance responsibilities. Such situations would involve new private developments which could establish a common element condominium. It may also be an option where there is a well-organized group of benefiting property owners, similar to the Bennett Lake Estates Association. The costs to establish a condominium corporation or incorporated road authority can be considerable and therefore demonstration of financial capacity by the new road authority is recommended. The Federation of Ontario Cottagers Association (FOCA) can provide assistance to the Private Road Authority throughout the process.

3.1.8 Impact on Benefiting Property Owners

This option provides both parties with a high degree of certainty that the private road will be maintained to an acceptable standard and ensures emergency vehicle access. As such this option may result in a modest decrease in homeowner's insurance given the assurances for emergency vehicle access.

There will likely be annual fees that benefiting property owners will be required to pay to the new road authority, which may already be occurring, and it is possible that there will be operational efficiencies which the road authority may realize over historic maintenance costs.

Depending on the condition of the private unassumed road, there may be significant costs associated with bringing the road up to private road standards. These costs should be borne by the benefiting property owners, although the Township may consider financial assistance as discussed in Section 3.1.3.

3.2 Option #2 Road is Township Owned & Assumed (Public Road)

Option #2 consists of a situation where the Township would continue to own the private unassumed road. The status quo would involve situations where the Township does not provide maintenance to the private unassumed road, and the maintenance is carried out on a more informal basis by benefiting property owners. This is explored further in Option #3.

To enable this Option to evolve to the point where the Township assumes the road into the municipal road system and assumes maintenance responsibilities, it would be necessary for the road to be brought up to the minimum "public road" standard, understanding that the minimum public road standard is greater than the minimum private road standard.

In this situation, the road classification would change from "private unassumed road" to "public assumed road".

3.2.1 Liability

If the road is retained in Township ownership and assumed into the municipal road system, all the liability will rest with the Township the same as any other road within the road system. In order to manage the liability, the Township should ensure that the road is brought up to minimum public road standards, is maintained at the same standards as other similar classed roads within the municipal road system, that emergency vehicle access is confirmed, and the road is identified in the Township's insurance coverage.

3.2.2 Maintenance

Once the road is assumed into the Township road system, the Township would be responsible for maintenance similar to all other public roads within the Township's road system.

3.2.3 Financial

All financial responsibilities for the maintenance and capital repair and replacement of the road will rest with the Township, the same as all other roads within the Township's road system. As such, the road will be placed in the Township's Asset Management Plan. On an ongoing basis, maintenance cost recovery would be limited to property taxation from the benefiting property owners.

One of the due diligence undertakings the Township should consider includes assurances that the operational costs of maintaining the road and capital repair and replacement will be reasonably offset by municipal taxation revenue. The Township's costs for assuming a private unassumed road as a public road can be significant, even if the road is constructed to a standard which is acceptable to the Township. If the road is located in an isolated area where there are no other Township roads, it could place significant and long-term impacts on staff and capital resources.

It is assumed that there will be legal costs, surveying costs and staff time involved with assuming the road into the Township's road system.

Bringing the road up to minimum municipal standards may involve significant costs. Road surface, drainage, and signage would all need to be up to minimum standards. It is recommended that prior to any consideration of a request for assumption of a private unassumed road as a municipal road, the proponents of such a request should first be required to improve the road, at their own expense, to the Township's minimum public road standard. This requirement should be in addition to the requirement that the Township evaluate the impact that assuming the road would have on the Township's overall financial position.

That said, the Township does have the option to consider financing of the road improvements up to minimum standards through funds raised by benefiting property owners, the Township sharing costs with benefiting property owners, or the Township fully funding the road upgrade. There may be options to utilize a Community Improvement Plan (CIP), however much of the funds associated with CIPs are typically provided by the local municipality to the private property owners. The Township may wish to consider a local improvement charge under O. Reg 586/06 in situations where there is significant community buy-in to the plan.

If there was potential for new development along the road to be assumed, it could be possible to apply some of the associated development charge funds tied to the new development to road upgrade costs, assuming the road upgrade can be attributed to growth. For Development Charges (DCs) to be an option, the road upgrade would need to be identified in the Township's Development Charges

Background Study as a growth-related works. As a result, there would need to be a “new development” component to the upgrading of the road – i.e., there would be vacant lots that if developed would pay a DC charge and a portion of that charge would be applied to the road upgrade.

3.2.4 Health & Safety

Having the private unassumed road upgraded and brought into the Township road system would provide the highest order of protection of public health and safety, as municipalities are in the business of maintaining and operating public roads. It is assumed that a public authority maintaining a road is preferred over private operation.

3.2.5 Risk Reduction Tools

Keeping the road in Township ownership and bringing the road into the Township road system and brought up to minimum municipal standards would represent the highest order of risk reduction. The Township owning and operating a road that is constructed to minimum public road standards ensures that the Township’s liability is limited to its operational norm.

The Township must also consider that because these roads are currently owned by the Township it already has liability associated with the road even though it is privately maintained. Under Section 44 of *Municipal Act* all roads must be maintained to a reasonable standard in the circumstances. The fact that the road is privately maintained may provide some flexibility for a court to find that the “circumstances” allow for a lesser standard, but it will not eliminate liability. There is a modest financial benefit to bringing the road into the municipal road system as the Township will have better control over the maintenance, and therefore potential liability associated with the road.

3.2.6 Road Standards

Under Option #2 it is assumed the road would be brought up to minimum public road standards, to enable it to be brought into the Township road system. The Township does have the option, where conditions are physically impossible to widen or upgrade the road or where grades exceed 8%, to accept the road into the public road system at a lesser standard. As a minimum, the road should be established at the private road standard.

3.2.7 Situations where Option is Preferred

This option is the most preferred option for most situations because the Township is the best authority to own and maintain roads and has the capacity to ensure standards are maintained and thus reduce liability and ensure public health and safety. That said, this option may involve the expenditure of significant funds to bring the road up to standard. In such cases, there should be clear public interest and benefits to bring the road into the Township road system.

Ideally, this option would be pursued where the private unassumed road in question is currently up to Township standards or could easily be brought up to standards. Also, if there are public community amenities such as water access points, beaches, etc. which are accessed from the private unassumed road, this option could be considered to ensure the public has safe access to these public amenities.

Other municipalities have found that the proportion of permanent residential development on a private unassumed road is a key indicator of the likelihood for requests from benefiting property owners for the Township to assume the road. This is because, as permanent occupancy on the road increases, residents of those roads may perceive an increasing discrepancy between the taxes they pay and the

services they receive despite their knowledge upon purchase of the property that the road was a privately maintained road. As the year round use of the private unassumed roads approaches that of a public road, residents may start to expect the physical and maintenance standards of the private unassumed road to be similar to that of a public road and expect that their taxes will be used for the purposes of maintenance of the road. Thus, there is a need to monitor where the conversion of seasonal residences to permanent homes is taking place.

This option may also be favourable when the private unassumed roads are either completely or almost completely developed to Township public road standards so that finalizing the road construction with public funds is justifiable for the Township.

3.2.8 Impact on Benefiting Property Owners

This option would provide the benefiting property owners with the highest level of road maintenance of the three options, based on the assumption that the public road would be maintained to the Township's public road standard. As such, this option may result in a modest decrease in homeowner's insurance given the public maintenance of the road.

There would be no annual fees that benefiting property owners would be required to pay. Their property taxes would be used to off-set the road maintenance costs. Property values may increase by being on a public road.

Depending on the condition of the private unassumed road, there may be significant costs associated with bringing the road up to public road standards. These costs should be borne by the benefiting property owners.

3.3 Option #3 Road is Township Owned and Privately Maintained (Status Quo)

Option #3 consists of a situation where the Township would continue to own the private unassumed road but have the maintenance carried out on a more informal basis by benefiting property owners. Ideally there would be some form of association formed by the benefiting property owners to address road operation and maintenance.

In this situation, the road classification would continue to be a "private unassumed road".

3.3.1 Liability

If the road continues to be owned by the Township and informally maintained by private parties, the Township's liability will be greater than the other two options. In addition to ownership liability, the Township would still be obliged to ensure as the approval authority under the Planning Act that all development can be supported and represents good land use planning.

Ideally the Township should encourage the benefiting property owners to create some form of incorporated body or road association which would take over maintenance responsibilities and ensure minimum private road standards.

Without an identified road association, the Township would be limited to establishing agreements with the individual benefiting property owners on a case-by-case basis as new development or cottage conversion is proposed. Such agreements would address road maintenance standards, and appropriate Limited Services Residential zoning. Case by case, overtime, this approach may gradually reduce the Township's liability exposure. This is the Township's current practice.

3.3.2 Maintenance

The responsibility for maintenance would rest with the benefiting property owners, whether organized or not. As a minimum, the road should be maintained to the Township's minimum private road standard to ensure emergency vehicle access.

The Township would continue to have maintenance responsibilities associated with Township intersection controls where the private unassumed road abuts an existing public Township road (signage, drainage, grading).

3.3.3 Financial

Under this option, the Township will not have the costs associated with maintaining the private unassumed road. The Township's financial responsibilities would be limited to intersection controls where the private unassumed road abuts an existing public road (signage, drainage, grading).

All financial responsibilities for the maintenance and capital repair and replacement of the road would rest with the benefiting property owners, similar to a private road.

3.3.4 Health & Safety

The maintenance of the private unassumed road by benefiting property owners, organized or informal, is typically not of a comparable standard to that of a publicly maintained road. Such roads should be under an agreement which specifies maintenance standards, terms, and conditions in order to help minimize potential health and safety concerns.

Having the private unassumed road upgraded and brought up to a minimum private road standard would assist in ensuring health and safety concerns are addressed.

3.3.5 Risk Reduction Tools

Ideally the Township would work with a road maintenance authority representing the benefiting property owners to establish an appropriate maintenance program and schedule and ensuring emergency vehicle access. It is advisable that this information be in the form of a "Road Maintenance Agreement" that details the terms, conditions, minimum road standards, and responsibilities of the road maintenance authority.

Without a road maintenance authority, the Township should strive to have agreements with individual benefiting property owners. Such agreements would be established as a condition at the time of a development application from a benefiting property owner. This is the Township's current practice.

3.3.6 Road Standards

As a minimum, all roads owned by the Township and maintained by others should meet the Township's minimum private road standard and be deemed to be accessible for emergency vehicles. The emergency vehicle standard set out in the Ontario Building Code should form the basis of a minimum private road standard.

It is understood that there are private unassumed roads where the costs associated with bringing them up to minimum private road standard may be prohibitive. In such situations, the Township could entertain reduced standards provided access for emergency services vehicles is ensured. This standard should only be considered acceptable for existing private unassumed roads, where the use

of the road is limited or seasonal. Reduced standard roads should not be considered appropriate to support new growth or development or the conversion of seasonal dwellings to permanent dwellings.

3.3.7 Situations where Option is Preferred

This option is considered to have the highest level of liability and risk for the Township and is typically associated with existing situations. The Township has ownership liability but does not have control over the maintenance of the road which would help to reduce the risks. This option is not appropriate to support new growth and development and would ideally evolve towards a situation where the Township transfers ownership as described in Option #1, or the road is upgraded to a minimum public road standard and assumed as described in Option #2.

3.3.8 Impact on Benefiting Property Owners

This option provides the benefiting property owners with the lowest degree of certainty that the private unassumed road will be maintained to an acceptable standard and that emergency vehicle access is maintained. This type of arrangement may have a negative impact on homeowner's insurance given the more informal road maintenance arrangement.

There will likely be annual fees that benefiting property owners will be required to pay to the new road maintenance authority. Without an appropriate dispute mechanism that would be found with a corporation as the road authority, the informal, voluntary nature this option may result in some benefiting property owners not agreeing to participate, leading to higher costs spread amongst the participating benefiting owners.

Depending on the condition of the private unassumed road, there may be significant costs associated with bringing the road up to private road standards. These costs should be borne by the benefiting property owners.

4.0 Summary

Each of the options presented are appropriate for different situations. It is fair to say that there is no one option that is suitable for all the current private unassumed roads. That said, Option #1 is the preferred option for many of the situations facing the Township. Where financially feasible, Option #2 provides the highest standard for road maintenance. Option #3 represents the status quo and should evolve towards Option #1 or Option #2.

The three options for the ownership and maintenance of private unassumed roads within Tay Valley Township have been assessed in terms of the characteristics related to liability, maintenance, financials, health and safety, risk reduction tools, standards, and situations where the option is preferred.

Option #1 is the recommended option of this report. This option would be best suited to situations where there is an entity that has the capacity to assume ownership and maintenance responsibilities. This option decreases the Township's ownership liability, however the Township would continue to have liability associated with its responsibility to ensure all growth and development can be supported and represents good land use planning.

Option #2 is a very good option for the Township from a liability, maintenance and health and safety perspective. It is also likely the most expensive option given the need to bring such roads up to municipal public road standards. Assuming roads into the municipal road system comes with a cost

and the full financial implications of assuming the road should be clearly understood by all parties at the onset of an assumption exercise. The first step in this option is for the current assumption of private roads policy to be updated.

Option #3 appears to represent the majority of existing private unassumed roads and is presented as the status quo option. It contains the highest level of liability and risk exposure for the Township out of the three options assessed and is the least preferred option.

The most valuable tool that the Township has available to it to manage the risks associated with Options #1, #3 is the use of agreements which spell out road standards, maintenance standards and other relevant matters. It is recommended that all options involve a form of agreement which sets out maintenance standards as well as other matters such as insurance.

It is worth repeating that the higher the percentage of cottage conversion to permanent dwelling that exists along a private unassumed road, the higher the likelihood that the Township will face requests for the assumption of the private unassumed road. This points to the need to monitor where cottage conversions are occurring and on what type and quality of road the property is located.

Private unassumed roads which are not up to the private road standard should not be considered appropriate to support cottage conversions or new lot creation or development.

The following table provides a summary of the findings.

	Liability	Maintenance	Financial	Health & Safety	Risk Reduction Tools	Road Standards	Situations where Option is Preferred	Impact on Benefiting Owners
Option #1 Private Road	Private Road Authority	Private Road Authority	Private Road Authority	Good	Road Transfer Agreement	Private Road Standard	Road Authority, growth potential	Positive, annual maintenance costs
Option #2 Township Road	Township	Township	Township	Good	Township Maintained	Public Road Standard	Low costs to improve the road, growth potential	Positive, no maintenance costs beyond property taxes
Option #3 Status Quo	Township And Property Owners on Road	Private Ad Hoc	Private Ad Hoc	Lowest	Individual PUR Access Agreement	Private Road Standard	Status quo, limited growth potential	No guarantee of maintenance, annual maintenance costs

Option #1: Taking the Road Out of Township Ownership (Private Road)

Option #2: Road is Township Owned and Assumed (Public Road)

Option #3: Road is Township Owned and Privately Maintained (Status Quo)

Schedule 17

Extracts from the Municipal Act 2001, S.O. 2001 C 2, as amended
As to sections which the WG considers relevant for the purposes of this Report

Purposes

2 Municipalities are created by the Province of Ontario to be responsible and accountable governments with respect to matters within their jurisdiction and each municipality is given powers and duties under this Act and many other Acts for the purpose of providing good government with respect to those matters. 2006, c. 32, Sched. A, [s. 2](#)

Body corporate

4 The inhabitants of every municipality are incorporated as a body corporate. 2017, c. 20, Sched. 8, s. 99 (1).

Powers exercised by council

5 (1) The powers of a municipality shall be exercised by its council. 2001, c. 25, s. 5 (1).

Scope of powers

8 (1) The powers of a municipality under this or any other Act shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues. 2006, c. 32, Sched. A, [s. 8](#).

Ambiguity

(2) In the event of ambiguity in whether or not a municipality has the authority under this or any other Act to pass a by-law or to take any other action, the ambiguity shall be resolved so as to include, rather than exclude, powers the municipality had on the day before this Act came into force. 2006, c. 32, Sched. A, [s. 8](#).

Scope of by-law making power

(3) Without limiting the generality of subsections (1) and (2), a by-law under [sections 10](#) and [11](#) respecting a matter may,
(a) regulate or prohibit respecting the matter;
(b) require persons to do things respecting the matter;
(c) provide for a system of licences respecting the matter. 2006, c. 32, Sched. A, [s. 8](#).

Scope of by-laws generally

(4) Without limiting the generality of subsections (1), (2) and (3) and except as otherwise provided, a by-law under this Act may be general or specific in its application and may differentiate in any way and on any basis a municipality considers appropriate. 2006, c. 32, Sched. A, [s. 8](#).

Exception

(5) Subsection (4) does not apply with respect to a by-law made under Parts VII, VIII, IX, X, XI and XIII. 2006, c. 32, Sched. A, s. 8.

Powers of a natural person

9 A municipality has the capacity, rights, powers and privileges of a natural person **for the purpose of exercising its authority under this or any other Act.** 2006, c 32, Sched. A, s. 8. *[Yellow shading added for emphasis.]*