

Private Unassumed Roads Frequently Asked Questions (as at March 9, 2023)

Council Resolution

Council at its meeting on February 16, 2023 adopted the following resolution:

RESOLUTION #C-2023-02-03

“WHEREAS, a Private Unassumed Road is a road owned but not maintained by the Township;

AND WHEREAS, since Private Unassumed Roads are owned by the Township, the general public is allowed to travel on them;

AND WHEREAS, because Private Unassumed Roads have not been assumed by the Township for maintenance purposes the owners of property along the roads are responsible for maintenance, either individually or as part of an organization or company;

AND WHEREAS, since amalgamation of the former Townships in 1998, Section 3.4 in the Township Zoning By-Law prohibited the issuance of a building permit for a lot that did not have frontage on an improved street;

AND WHEREAS, Improved Street is defined in the Zoning By-Law as a street which has been assumed by the Township (or Province or County) and is maintained on a regular, year-round basis by the Township (or Province or County);

AND WHEREAS, Private Unassumed Roads are mostly found in subdivisions approved prior to December 10, 2002 and are not on an Improved Street;

AND WHEREAS, in 2009, in order to permit the issuance of a building permit for a lot that did not have frontage on an improved street, the Township undertook an amendment to Section 3.4 of the Zoning By-Law to add an additional provision that would provide an exemption to the requirement to have frontage on an improved street in the case where an owner in a subdivision, registered prior to December 10, 2002, has entered into a road access agreement (RAA), including an indemnity and insurance clause, to the satisfaction of the Township;

AND WHEREAS, since 2019 the Council of Tay Valley Township has been considering various options with regards to Private Unassumed Roads and Road Access Agreements, and taking into consideration factors such as liability, maintenance, financial impacts, health and safety, risk reduction, road standards, impact on property owners, etc.;

NOW THEREFORE BE IT RESOLVED THAT,

- Road Access Agreements, including the insurance and indemnity requirements, be required for Private Unassumed Roads;
- Section 3.4 of the Zoning By-Law be amended so that the intent and purpose of the section is clearer, including that the bulleted list of exceptions is not a list of exceptions that one can choose from;
- the Township, with the resources provided by the Federation of Cottage Owners Association, assist property owners in setting up a road association for each of the subdivisions with Private Unassumed Roads;
- the Township contribute up to \$5,000 per road association to be established on Private Unassumed Roads;
- the Township contribute up to \$500 annually per road association to be established on Private Unassumed Roads to assist with the annual road insurance premiums;
- staff be authorized to begin working with property owners on Private Unassumed Roads within a subdivision on the following schedule, with work being done on establishing one road association at a time:
 1. Little Silver Lake Road

2. *Maberly Pines Subdivision Roads – excluding Maple Lane*
3. *Maple Lane*
4. *Miner's Point Road and Lakeshore Boulevard*
5. *Killarney Lane (possible alternative option)*
6. *Rainbow Lane and Rainbow Lane A*
7. *Silvery Lane*
8. *Homestead Lane (possible alternative option)*
9. *Old Mine Road (possible alternative option)*
10. *Bennett Lake Estates (possible alternative option)*
11. *Sherbrooke Drive (possible alternative option)*
12. *Other.”*

ADOPTED

General Questions

1. With the adoption of the February 16, 2023 resolution, what is changing from the 2009 decision?

The intent behind the policy decision has not changed.

Since amalgamation in 1998, Section 3.4 in the Township Zoning By-Law prohibited the issuance of a building permit or septic permit for a lot that did not have frontage on an improved street. Improved street is defined in the Zoning By-Law as a street which has been assumed by the Township (or Province or County) and which is maintained on a regular, year-round basis. This included a private unassumed road, which in most instances is located in a subdivision registered prior to December 10, 2002.

In 2009, the Township amended Section 3.4 of the Zoning By-Law to add an additional provision that would provide an exemption to the requirement to have frontage on an improved street in the case where an owner in a subdivision registered prior to December 10, 2002 has entered into a road access agreement (RAA) to the satisfaction of the Township. Either the property owner or local road association must have the required insurance coverage.

What has changed is that the Township is clarifying the exemption language in the Zoning By-Law to make sure the original intent is not ambiguous and is now offering to assist property owners in setting up a road association both in staff resources and financially if they wish to establish a road association.

2. Is the establishment of road associations being forced on property owners?

No. Property owners have the choice to continue to enter into RAAs and obtain individual insurance if they require a building permit or septic permit, or if property owners would rather establish a road association, then the Township will assist by providing staff resources and financial assistance to incorporate the association.

3. Are individual insurance or insurance through a road association the only options?

No. Should a majority of property owners wish to have the road transferred into private ownership or petition Council to implement a Local Improvement Charge to fund all or part of the costs of road upgrades so that the road is brought up to a minimum standard for the Township to assume it into its road network, then the Township would consider these options.

If a majority of property owners along a PUR (or a group of PURs in a subdivision) in writing agree to one of the above options and submit it to the Township, staff will write a report for Council's consideration.

4. Why is the Township taking action now?

Since 2019, some property owners have objected to themselves or others they know having to enter into a RAA, based on liability and insurance concerns. It has become clear that the requirement for property owners along PURs who wish to obtain a building permit to sign an RAA and subscribe to road insurance and indemnify the Township is confusing for residents. Moreover, it is also clear that some owners are not well aware of the nature of the PUR that their property is along, nor that the Township is not now and has never been responsible for road maintenance. The Township began to take action, accordingly, in 2019 and this included publication of the Options Assessment Report by Jp2g (2022), publication of the report of the Private Unassumed Roads Working Group (2022) and, related strongly to the latter report, the January 26, 2023 staff report and the February 6, 2023 legal opinion (the latter two documents publicly available in redacted form).

5. What is/are the problem(s) the Township is seeking to address?

Confusion over how to interpret Section 3.4 Frontage on an Improved Street and the resulting reluctance to owners to enter into a RAA.

6. Do other municipalities have similar language about an improved street in their zoning by-laws?

Yes. Every municipality in Ontario has a similar provision in their zoning by-laws that requires a property to be on an improved street in order to obtain a building permit or septic permit.

7. As these roads are public assets of the Township, why are they not being called "Public Unassumed Roads"?

They have always been called Private Unassumed Roads, meaning the roads are privately maintained and unassumed by the Township.

As part of the 5-Year review of the Official Plan in 2022, Council recommended that PURs be renamed to Public Unassumed Privately Maintained Roads. As of this writing (March 2023), the Official Plan is at the County awaiting approval, and until the

Official Plan amendment has been approved by the County, the new name cannot be officially used.

Subdivision Agreement Questions

1. If a developer attached to a subdivision agreement failed to live up to the agreement, and if the Township of the day also failed to live up to its obligations, does that render the agreement null and void in terms of Tay Valley Township's assumption of the agreement upon amalgamation? In other words, are the subdivision agreements applicable to the PURs, legally valid and enforceable?

Most of the applicable subdivision agreements have clauses that require the developer to bring the road up to a certain standard prior to its assumption by the municipality for maintenance purposes. If the developer, for whatever reason, did not bring the roads up to standard for assumption then this now falls to the property owners along the road. To clarify, it is now the responsibility of the property owners to bring the roads up to standard, at their cost, for assumption by the municipality. The owners of lots within the subdivisions assume the obligations of the "developer" or "stand in the shoes" of the developer under the agreements.

2. More specifically, is the Silvery Lane subdivision agreement, as posted on the Township website, legally valid and enforceable?

Yes, but enforceable now against the property owners since there is no longer a developer.

Specifically, the clauses read:

The responsibility for maintenance of the said road shall remain with Lakeside and all other present users of the road and any future users of the said road, and Lakeside acknowledges on behalf of itself, its successors and assigns, the user or users from time to time of the said road described in Schedule "A" attached hereto, that the Township will not accept responsibility for the maintenance and care of the said road until assumption of the said road is deemed advisable by the Council of the Township, and not until it is brought up to standards acceptable to the Ministry of Transportation and Communications.

In the event that Lakeside or future users of the road wish the said road to be assumed and maintained by the Township, it is agreed by Lakeside that it shall be its full responsibility, or in the event that all of its land has been conveyed it shall be the responsibility of all users of the road to bring the road up to standards (acceptable to the Ministry of Transportation and Communications) sat its or their expense.

3. Why did the Township, or its predecessor townships, not hold subdivision developers accountable for failing to build their roads to municipal standards?

The PURs in question today are mainly from subdivisions and agreements from the former Townships, prior to amalgamation. Prior to 1998, rules, laws, regulations and standards were different. The Township cannot state with any certainty why certain things may not have been done, and for purposes of moving forward such questions do not help solve the current issues.

Subdivision agreements since amalgamation now require that financial securities are taken for roads as well as other works to be completed in subdivisions (ex. street lights, sidewalks, etc.) so that if a developer does not meet the requirements of the subdivision agreement then the municipality can use the financial securities to undertake the work.

4. Does the Township have responsibility to upgrade and assume PURs?

No, there is no legal obligation for the Township to upgrade and/or assume PURs for the reasons stated above.

5. How can the Township own a PUR but not be responsible for it?

Most of the applicable subdivision agreements have clauses that require the developer to bring the road up to a certain standard prior to its assumption by the municipality for maintenance purposes. If the developer, for whatever reason, did not bring the roads up to standard for assumption then this now falls to the property owners along the road. To clarify, it is now the responsibility of the property owners to bring the roads up to standard, at their cost, for assumption by the municipality.

The Municipality became the owner of the roads automatically when the subdivision was registered. Ownership, however, is not the same as responsibility for maintenance. The Developer (now individual lot owners) agreed with the Township to upgrade the roads as a condition of the Municipality assuming the roads for maintenance. Until the roads are upgraded, the Municipality is not contractually obligated to assume the roads for maintenance.

6. Why does the Township not upgrade and assume all of the PURs and spread the cost of that across all Township taxpayers over time?

It is not the responsibility of all taxpayers to bear the cost. Most of the applicable subdivision agreements have clauses that require the developer to bring the road up to a certain standard prior to its assumption by the municipality for maintenance purposes. If the developer, for whatever reason, did not bring the roads up to standard for assumption then this now falls to the property owners along the road. As a matter of fairness, all taxpayers should not pay for infrastructure in subdivisions that will only benefit the owners of lots in those subdivisions. Especially when those owners purchased with knowledge of the state of the road and its maintenance and effectively assumed the risk of owning a lot on those PUR.

Private Unassumed Roads Working Group Questions

1. Why did it take many months before the report of the Private Unassumed Roads Working Group was made easier to access on the TVT website?

Council at its September 2022 meeting adopted the following resolution:

RESOLUTION #C-2022-09-04

“THAT, the Private Unassumed Roads Working Group Executive Summary and Report presented to the Committee of the Whole on September 13, 2022, be received for information;

THAT, staff be directed to provide a follow-up report that addresses the recommendations and various points and concerns arising from the Private Unassumed Roads Working Group Executive Summary and Report;

AND THAT, in the meantime, staff proceed with obtaining a legal opinion with regards to the indemnification clause and insurance requirements contained in the Road Access Agreement with regards to:

- *the reasons the clauses need to be included or not included, and if they need to be included, is there alternative wording that can be used; and the need for a Road Access Agreement or not.”*

The Township wanted to present the information as a package; the August 2022 Working Group report, the January 2023 staff report and the February 2023 legal opinion as all three should be read together.

2. Why have the recommendations of the Private Unassumed Roads Working Group not been actioned?

Council at its September 2022 meeting adopted the following resolution:

RESOLUTION #C-2022-09-04

“THAT, the Private Unassumed Roads Working Group Executive Summary and Report presented to the Committee of the Whole on September 13, 2022, be received for information;

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AND THAT, in the meantime, staff proceed with obtaining a legal opinion with regards to the indemnification clause and insurance requirements contained in the Road Access Agreement with regards to:

- *the reasons the clauses need to be included or not included, and if they need to be included, is there alternative wording that can be used; and the need for a Road Access Agreement or not.”*

Road Access Agreement (RAA) Questions

1. Under what authority is the Township able to require a RAA?

Sections 8, 9 and 11 of the [Municipal Act, 2001](#), as amended, provides a municipality with a broad scope of powers and provides a municipality with the rights of a natural person.

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*

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.*

Broad authority, lower-tier and upper-tier municipalities

11 (1) *A lower-tier municipality and an upper-tier municipality may provide any service or thing that the municipality considers necessary or desirable for the public, subject to the rules set out in subsection (4).*

By-laws

(2) *A lower-tier municipality and an upper-tier municipality may pass by-laws, subject to the rules set out in subsection (4), respecting the following matters:*

1. *Governance structure of the municipality and its local boards.*
2. *Accountability and transparency of the municipality and its operations and of its local boards and their operations.*
3. *Financial management of the municipality and its local boards.*
4. *Public assets of the municipality acquired for the purpose of exercising its authority under this or any other Act.*
5. *Economic, social and environmental well-being of the municipality, including respecting climate change.*
6. *Health, safety and well-being of persons.*
7. *Services and things that the municipality is authorized to provide under subsection (1).*
8. *Protection of persons and property, including consumer protection. 2006, c. 32, Sched. A, s. 8; 2017, c. 10, Sched. 1, s. 2.*

By-laws re: matters within spheres of jurisdiction

(3) *A lower-tier municipality and an upper-tier municipality may pass by-laws, subject to the rules set out in subsection (4), respecting matters within the following spheres of jurisdiction:*

1. *Highways, including parking and traffic on highways.*

2. *Transportation systems, other than highways.*
3. *Waste management.*
4. *Public utilities.*
5. *Culture, parks, recreation and heritage.*
6. *Drainage and flood control, except storm sewers.*
7. *Structures, including fences and signs.*
8. *Parking, except on highways.*
9. *Animals.*
10. *Economic development services.*
11. *Business licensing.*

2. Do other municipalities also use a RAA? If so, what are some examples?

As an example, all of the townships in Frontenac County use a version of a RAA for different classes of roads.

3. Would an application for a building permit to install a wood stove, undertake a septic system renovation, or install solar panels also require an RAA?

Yes. Any building permit or septic permit requires a RAA.

4. Why are potentially multiple RAAs required that are applicable to a single PUR (i.e., a RAA associated with each building application along a given PUR)?

A RAA is entered into with the property owner. Only one RAA is required per property. This is no different than properties on private roads, whereby each property requires a limited services agreement.

Road Insurance and Road-Related Claim Questions

1. Given that PURs are Township property and that the Township already has insurance that could apply in the event of a claim specific to a PUR incident, why are people who live along these roads and who wish to obtain a building permit required to take out insurance that applies to these roads?

The answer is two-fold.

The general taxpayer should not pay for 100% of a claim on a PUR. The Township must assess risk versus liability. The Township does not maintain PURs and therefore that liability is the responsibility of the owners who do maintain the road (and any third-party). The Township needs to balance the broader interest of all taxpayers to manage liability while being fair to the residents on PURs. A way to do that is the RAA.

Property owners if held liable for any portion of a claim may be held personally liable if they did not have the required/adequate insurance, meaning that their personal assets such as their cottage, house, vehicles, etc. could be used to pay for their share of a claim. The Township's insurance would not cover their portion and they could possibly face bankruptcy.

2. In the event of a road-related claim, would the Township be subject to litigation?

The Township will always be named as owners of the road, plus whoever undertakes or is responsible for road maintenance (property owners, contractor) and any other party involved.

Because a property owner pays for the maintenance, they are liable. Even owners who do not pay for maintenance can be named in a legal action as they may have contributed to the state of the road. This very complex liability question is another good reason to move forward with road associations and one policy for insurance to ensure consistent maintenance and to limit individual owners' liability.

3. Has the Township examined the cost of increasing its general liability insurance to cover any liability attached to a claim for injury or loss on a PUR?

Yes. A change would not solve the underlying risk and liability issue.

4. What is the loss history of all the PURs? What is the loss history of Silvery Lane, in particular?

There have been no losses since amalgamation. However, possibly, in the event of a catastrophic claim the municipality may no longer be insurable for private unassumed roads meaning all future claims would be paid by taxes from all taxpayers and instead of paying a claim from anything above \$5 million (this is currently what insurance covers) the municipality would now be on the hook for anything from dollar one. Some recent catastrophic claims are ranging between \$17 million and \$30 million, according to the Township's insurer.

5. What is the estimated road insurance premiums for a PUR?

Policies for individual property owners are averaging \$1,200 annually.

Policies for road associations are averaging \$1,900 annually, including the cost of directors' liability insurance.

6. How does the estimated road insurance premium for all PURs combined compare with the Township carrying the premiums for all of them?

The Township cannot take out insurance on behalf of property owners or a road association.

7. What is the basis for the estimate of up to \$500 in annual support toward the road insurance of a given road association?

It is an annual contribution towards the insurance premium.

8. Together the Municipal Act and O. Reg. 239/02 define standards of performance for the maintenance of class 1 to 5 roads so as to limit the liability of the township in the event of an accident. Class 6 roads are explicitly excluded from O. Reg. 239/02. The unassumed roads are definitely class 6 roads given the parameters defined in O. Reg. 239/02. Let's say that TVT classifies these roads as class 6 roads and also defines a class 6 maintenance performance standard. And let's say that property owners were given guidance on how to keep maintenance records for their class 6 roads that would be stored for safekeeping with TVT. Would this process help residents and TVT defend against a charge of negligence in the event of a civil suit resulting from an accident on one of those roads?

Such a program might be of assistance and could limit liability. The program could be considered "reasonable steps to prevent the default from airing" as defined in section 44 of the Act. However, the program as described is not conducted by the Municipality and as such it is uncertain whether a court would accept such an arrangement as satisfying the due diligence requirements of the Act. Any deviation from the agreed upon program would be problematic and the Municipality would still. Need to conduct some form of inspections and compliance audits to take advantage of a defence.

Road Association Questions

1. Why should a property owner accept the responsibility and liability of directing a road association?

So as to benefit from the road insurance that the association would subscribe to, including reducing the cost to individuals as association insurance is cheaper than individual insurance when spread over the property owners on the road. Included in the insurance is insurance for the Directors of the Association so that they are not taking on responsibility without protections.

2. What may be the legal status of a road association?

An association can be incorporated as a not-for-profit organization or exist with unincorporated status.

3. Must a road association be incorporated, with a board of directors?

An association does not need to be incorporated in order to obtain road insurance. However, an unincorporated organization is not a separate legal entity and has no legal status apart from that of its members. While carrying out their duties on behalf of the members, directors can be held personally and jointly liable for the activities of the organization.

4. Who does the Township expect to take on the task of being on a road association's board of directors? And what if no one is willing to take on that responsibility?

Given that a majority of property owners on PURs already cooperate to undertake road maintenance, the Township anticipates that at least some of them are open to forming a road association including for the purpose of the association subscribing to road insurance. If there is not support for moving forward with a road association, then property owners may wish to consider the options of either seeing their road converted to a private road, or accepting a Local Improvement Charge to finance upgrading the road for assumption by the Township.

5. What may be the cost to run a road association, whether incorporated or not incorporated?

The only additional costs will be the insurance premium and the director's liability premium, which is averaging a total of \$1,900 annually. However, if each individual property owner were to obtain the necessary insurance, that individual premium is on average \$1,200 annually. The cost to incorporate is being paid for by the Municipality, up to \$5,000, which is anticipated to be sufficient.

6. What happens if a PUR property owner does not join a road association? Is there any legal repercussion to that owner?

If there was a claim, that property owner would not be covered by the road associations insurance and may be held personally liable.

7. What assumptions and cost estimates led the Township to being willing to provide up to \$5000 toward establishing a road association?

On average it costs \$2,500 - \$3,500 to establish a road association. Part of the complaints the Township is hearing about the idea of forming road associations, is regarding costs so the Township wishes to assist property owners with some of those costs.

8. What might it cost to incorporate a road association?

On average it costs \$2,500 - \$3,500 to establish a road association.

9. What is the minimum number of directors to serve on the board of a road association?

Three – President, Treasurer, Secretary.

10. To whom or what entity will a road association be accountable?

The property owners who pay their fees toward the costs of the association operation. Typical fees include those related to road maintenance (which are already being paid) and insurance premiums. Incorporated non-profit road associations have to file an annual return to Corporations Canada, and the cost is minimal, approximately \$40.

11. Will road associations need to report to the Township? If so, why and what would they be required to report on?

The annual insurance certificate would need to be provided.

Road Maintenance Standards and Upgrading to Municipal Standards Questions

1. What are the maintenance standards that apply now to the PURs? What is the maintenance standard for Silvery Lane, in particular?

At a minimum PURs should meet the following criteria to allow for access for emergency vehicles:

Private Road Standard

Private Road 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 material	As determined after consolidation of sub-grade
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 400 mm (16 in.) diameter, or larger as required.
Geometrics	Such that fire protection equipment can pass safely
Grade (maximum)	12.5%

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.

2. In general, what would need to be addressed to bring a given PUR up to municipal standards? What would be needed for Silvery Lane, in particular?

PURs would need to meet a minimum public road standard.

Public Road Standard

There are numerous different geometric design guidelines available for the design of Municipal roads. These include the Transportation Association of Canada (TAC), American Association of State Highway and Transportation Officials (AASHTO), or the Ministry of Transportation of Ontario (MTO) Geometric Design Standards for Ontario Highways.

Geometric designs for roadways in Tay Valley are typically based on AASHTO's Geometric Design of Low-Volume Roads because the other manuals do not address low volume roads, which are roads with the average annual daily traffic of less than 400 vehicles per day.

Roads that could be impacted by growth and therefore traffic could increase to 400 vehicles per day and above, may be designed using the TAC Manual.

The AASHTO Guidelines for Geometric Design of Very Low Volume Local Roads ($ADT \leq 400$) presents guidelines for total roadway widths for newly constructed roads in rural areas. Note that total roadway width includes the width of both traveled way and shoulder. The total roadway width criteria vary from 5.4m to 6.6m, depending on design speed. The Guideline also provides recommendations for sight lines and road geometrics that would need to be met.

MTO's Pavement Design and Rehabilitation Manual, Table 3-4 Structural Design Guidelines for flexible pavements notes that roads with AADT with less than 200 AADT can be surfaced with gravel. However, a Low Cost Bituminous (LCB – surface treatment) or High Class Bituminous (HCB – asphalt) surface is desirable over a gravel surface for maintenance purposes. Furthermore, a LCB surface is desirable in subdivisions with the number of residential properties within proximity. The LCB/HCB surface is more durable with vehicles turning into entrances, does not omit dust in the summer, is easier to maintain in the winter and is more durable during rainfall events and the spring thaw.

3. How long would it take and what would be a reasonable cost to convert Silvery Lane to an assumed road?

The duration of a road project can vary due to the availability of workforce and the various approvals that may be required from various agencies (ex. conservation authority).

Specifically for Silvery Lane, in April 2022 it was estimated that it would cost \$420,000 for a gravel road. This is considered a conceptual design estimate, which may increase/decrease during the engineered design. The estimate did not include costs related to engineered design, removal of rock or other road hazards, removal of substandard horizontal and vertical curves, land acquisition, etc.

4. How would the Township prepare a detailed cost estimate to bring a given PUR to municipal standards?

A conceptual design cost estimate was done in April 2022 which was based on costing from recent road construction projects. A detailed cost estimate would be completed during the engineered design.

5. Have traffic studies been done to see who uses PURs, besides the residents on those roads?

No traffic studies have been completed by the Township. However, traffic studies are based on traffic data like number of vehicles, type, speed, etc. Studies do not involve who travels on a road, or for what purpose vehicles travel the road.

Potential Private Property Impact Questions

1. What might be the individual property tax impact of converting a PUR to an assumed road? Could that impact be spread over a period of time?

If a PUR is brought up to a minimum municipal standard and assumed by the Township properties may be reassessed at a higher value, but that typically means that the resale value of that property has increased. If there was a property tax increase, it could occur immediately or it could occur as part of the natural phase-in cycle through MPAC. Of note, an increase may not be based on the road getting improved. There are many other factors, for example, if a number of properties in the area were being sold, that could trigger MPAC to do a reassessment during the phase-in cycle.

2. If the Township's direction results in devaluation of a property (e.g., from prospective buyers shying away from the responsibility of a road association and associated costs), will the Township provide the property owner with a tax break?

The recent decision in February 2023 will have no impact on a property's assessed value.

To learn more about your property assessment visit - <https://www.mpac.ca/en/UnderstandingYourAssessment/PropertyAssessmentandPropertyTaxes>

Township's Process regarding Addressing the Private Unassumed Roads and Road Access Agreement Matter Questions

1. Were any PUR property owners consulted on the Township's resolution C-2023-02-03?

The resolution represents the culmination of four years of public meetings and the meetings of a Working Group. Furthermore, the resolution only establishes a direction for the Township to take in attempting to resolve confusion and inconsistency concerning Private Unassumed Roads and the Road Access Agreement. The resolution forces nothing upon PUR property owners, owners are free to accept or reject what the Township is proposing, and if what is proposed is rejected, owners have other options that can be considered by the Township.

It is important to know that the PUR matter is not new – it has been ongoing since 2009, and there has been fairly extensive public input since 2019. A Working Group was in effect from 2020 – 2022 with a dedicated webpage. The options presented in the Options Assessment Report were the same options available to the Township as were available since 2009 and prior. Throughout this timeframe there has been feedback and communication with interested members of the public.

2. Why was resolution C-2023-02-03 passed in a Closed Session of Council?

The resolution was debated and voted on in an open session of Council at the duly constituted February 16, 2023 "Special" Council meeting, after a closed session had been held to review and discuss the legal implications. Members of the public had an opportunity to be present for this meeting, as they do for every regular or special meeting of Council or Committee of the Whole.

3. What workload may be required of Township staff to manage and coordinate with road associations? Will new staff have to be hired to handle the workload? If so, what may this cost be?

It is anticipated that the property owners along a given PUR will be contacted with information on PURs and with an explanation of the option for the Township to assist with the setup of a road association. An information meeting with property owners on a given road will then be scheduled for a date and time that hopefully many owners can attend. Subsequently, if a majority of property owners wish to proceed with establishing a road association, they will be asked to appoint a representative whom the Township can liaise with. From there, legal counsel will lead the process to set up the road association.

4. What may be the property tax increases to manage the road associations?

None. The cost of staff time is already budgeted annually.

5. Why is Council not exploring all the options stated thus far, from the Private Unassumed Roads Working Group and from the February 6, 2023 legal opinion, and consulting with the affected property owners on those options? Why not consult with cottagers in spring or summer and seek a consensus about how to improve the roads and limit liability?

The RAAs and road associations can be viewed as an interim measure until another option is in place, such as converting a given PUR to a private road or upgrading and assuming the road with the cost to be financed by a Local Improvement Charge.

If a majority of property owners along a PUR (or a group of PURs in a subdivision) in writing agree to one of the above options and submit it to the Township, staff will write a report for Council's consideration.