

Private Unassumed Roads – Planning Context August 25, 2021



Tay Valley Township

Official Plan

- Official Plan section 2.16 Public Road Access, states:

“All new development shall have frontage on a public road that is maintained by the Township or other public authority, save and except the following:

- 1. Agriculture, forestry and conservation uses not having an accessory dwelling or any building or structure to which the public has access;*
- 2. Residential uses located on private roads or having only water access and which are zoned as Limited Services in the Zoning By-law that implements this Plan.”*

Official Plan

- Official Plan section 4.4 Township Roads, states:

“For policy purposes, the Township considers unmaintained Township roads to be private roads.”



Official Plan

- Official Plan section 3.6.4.7 Residential Policies, states:

1. “Limited Services Residential Development is defined as residential development that does not have frontage on and direct access to an opened public road which is maintained year round. Access to Limited Services Residential Development may be provided by private right-of-way or private road, lane and by water. The residential uses include both seasonal dwellings and permanent dwellings.

- Limited Services Residential Development may be permitted in the Rural designation in accordance with the following policies:

- a. Limited Services Residential Development shall not be provided with such municipal services as road maintenance and snow removal. In addition, no new Limited Services Residential Development shall be permitted unless other public services such as fire protection, police protection, etc. can be provided to the satisfaction of the responsible agencies or a Limited Services Agreement has been signed..”



Zoning By-Law Section 3.4

“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 in title to the lots;*
- 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 in a Limited Services Residential Zone;*
- An existing seasonal dwelling in a Seasonal Residential zone”*



Implications for Development

- To mitigate risk to the Township from development on Township-owned private unassumed roads, the Township has developed a policy of requiring Road Access Agreements prior to a building permit being issued, with the applicable insurance.
- Owners of lots find this process costly and it causes delays in construction.

