

MUNICIPALITÉ • EAST FERRIS • MUNICIPALITY



ITEM: Closure and Conveyance of Lakeshore Road Allowance
DATE: March 15, 2023
TO: Planning Advisory Committee
FROM: Planning & Development Department
FILE NO: PML-2022-04
OWNER: Sylvie Laperriere & John Kennedy
ADDRESS: 130 Pargeter Drive

1. Background

The Municipality of East Ferris received an application to close and convey a portion of the Original Shore Road Allowance lying in front of the property located at 130 Pargeter Drive on Lake Nosbonsing.

In accordance with By-law No. 2015-35, a Public Meeting is to be held to consider the closure and conveyance of the Original Shore Road Allowance, Notice of the Public Meeting was circulated to all property owners within 240 metres of the property and agencies.

2. Description of Property

The Original Shore Road Allowance to be closed and conveyed is located on Lake Nosbonsing along Pargeter Drive. There have been other shoreline road allowance closures along Pargeter Drive to the east but none of the shoreline road allowances in the immediate area have been closed. A complication with this request is that the neighbours dock is situated in a way that is significantly in front of the property at 130 Pargeter and would be impacted by this closure. The location of the property is illustrated in **Figures 1 and 2**.

Figure 1: Property Location

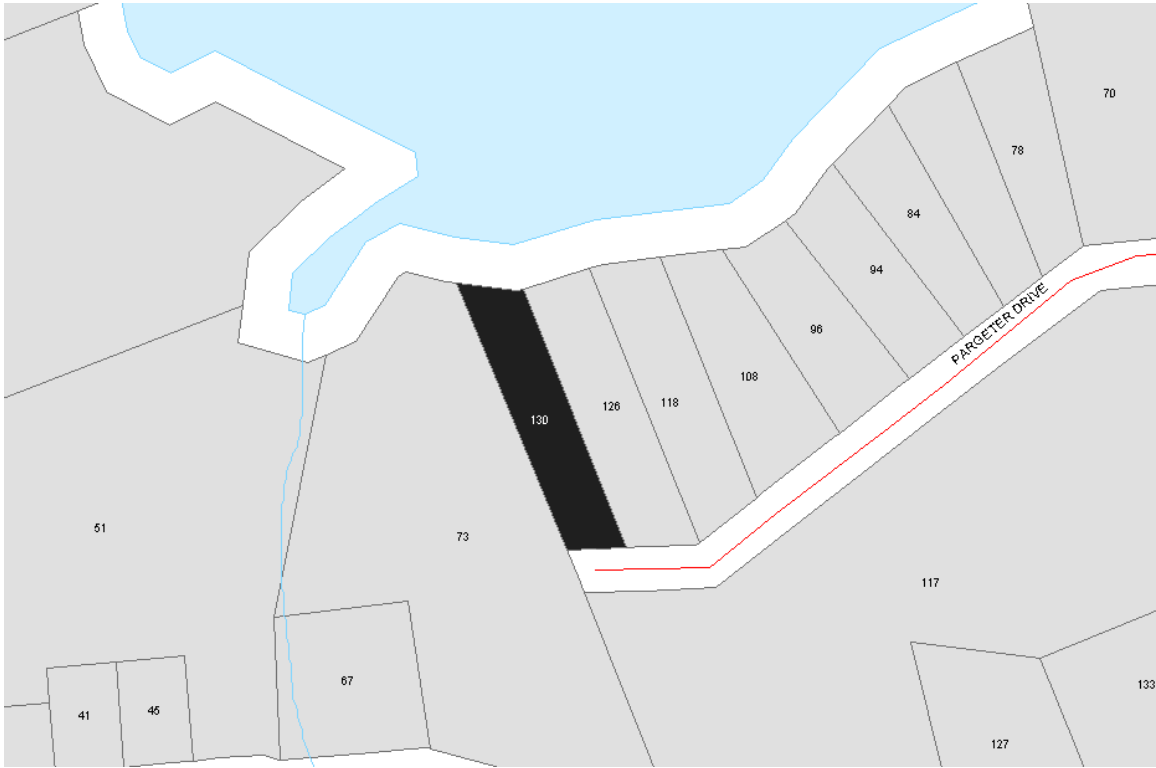


Figure 2: Aerial Map



3. Compliance with By-law No. 2015-35

Abutting property owners are contacted to request their input on the proposed closure and conveyance of the Original Shore Road Allowance. If the municipality does not receive any feedback from neighbouring property owners, they are considered to have no objections to the request. The municipality has not received any input as of the writing of this report.

4. Comments Received

To date, no comments have been received with respect to the application.

5. Policy Considerations

The lakeshore road allowance closure process is not dictated by any specific section of the *Planning Act*, however, we can find some guidance in the Municipality of East Ferris Official Plan as well as By-law 2015-35, which outlines the procedure for the shoreline road allowance closure process.

Section 4.20 of the Official Plan states that “Where road allowances along the shores of lakes or rivers have been laid out in locations where they do not function to provide public access to the water for recreational purposes, it shall be a policy of Council to permit such road allowances to be closed and sold to the abutting owners.”

It has historically been the policy of Council, in accordance with the East Ferris Official Plan, to close and sell lakeshore road allowances provided that they do not provide public access to the water, which in this instance the road allowance in questions does not.

By-law 2015-35 similarly speaks to allowing closure of shoreline road allowances provided that it does not disrupt public access or recreational use.

In this situation, an extenuating circumstance is the location of the neighbours dock. The dock is located in a position that is in front of the property at 130 Pargeter rather than in front of their own property. The closure and sale of this shoreline road allowance would result in the neighbours dock needing to be moved to a location that is appropriately in front of their own property rather than the applicants property. Although this would be an expense and inconvenience for the neighbour, municipal policies allow for the sale of shoreline road allowances and the general intent of these policies is that the road allowance in front of your own property should be able to be used if desired. The neighbours dock was originally placed in an incorrect location that encroaches on applicants ability to use their shoreline and throughout the years much of the frontage of 130 Pargeter has been taken over by the neighbouring property at 73 South Shore Road.

6. Recommendation

Based on historical Council practice and Official Plan and By-law 2015-35 policies, staff has no objection to the requested closure.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'G. Kirton', written in a cursive style.

Greg Kirton
Director of Community Services
Municipality of East Ferris