

**THE CORPORATION OF THE TOWNSHIP OF FARADAY**

**BY-LAW NO: 45-2023**

Being a By-Law to adopt policies and procedures for the disposition of road allowances within the Corporation of the Township of Faraday.

WHEREAS Section 270 (1) of the **Municipal Act**, 2001 as amended (the Act) requires all municipalities to adopt and maintain a policy with respect to its sale and other disposition of land;

AND WHEREAS the Disposition of a Road Allowance Policy attached hereto as Schedule "A" provides guidance for the disposition of road allowance in accordance with the principles as outlined therein;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF FARADAY ENACTS AS FOLLOWS:

In this By-Law, the term "Road Allowance" includes a Shoreline Road Allowance unless otherwise stated.

That the Township establishes the procedures set out in Schedule "A" attached hereto as the procedures to be followed for the sale and closure of road allowances, including the giving of notice to the public. Schedule "A" is hereby incorporated into, and forms part of this By-Law.

That before selling any real property, the Township shall:

- a) pass a by-law or resolution at a meeting open to the public declaring the real property to be surplus, and
- b) shall give notice to the public of the proposed sale in accordance with the provisions set out in Schedule "A" attached hereto.

That the Mayor and the Clerk of the Township are hereby authorized and instructed on behalf of the Corporation of the Township of Faraday to enter into and execute under its corporate seal and to deliver whatever documents are necessary to effect the closing and sale of road allowances in accordance with the said procedures.

That any applications for road closure and sale made under this By-Law before the date of final passing of this By-law shall be processed in accordance with the said By-law.

That all By-Laws or parts of By-Laws heretofore passed inconsistent with the provisions hereto and respecting the sale of shoreline road allowances and other road allowances within the Township are hereby repealed;

That this By-Law shall take effect upon the passing thereof.

PASSED THIS 06<sup>TH</sup> DAY OF DECEMBER 2023.

\_\_\_\_\_  
MAYOR: DENNIS PURCELL

SEAL

\_\_\_\_\_  
ACTING CLERK: BERNICE CROCKER

**SCHEDULE "A"**

**PROCEDURES FOR THE CLOSURE AND SALE OF ROAD ALLOWANCES**

1. A road allowance or part thereof may only be closed with the written consent of the abutting landowner(s), in the form attached as Schedule "C".
2. The shoreline road allowance and any part of other road allowances abutting on water will only be closed above the high water mark. Flooded land will not be sold.
3. Flooded shoreline road allowances or shoreline road allowances or other road allowances on a flood plain will not be closed. If a main building or residence is located on a flood plain, special consideration may be given to sell the land actually occupied by the main building.
4. If a building or buildings are located on a shoreline road allowance or other road allowance, Council may in its discretion close and sell only a portion of the road allowance with such area of land surrounding the building or buildings as to allow adequate access to the same to the Applicant(s) as Council in its discretion sees fit.
5. Road allowances used and known as portage trails, or portage trails that Council wishes to preserve will not be closed.
6. Road allowances, which are identified for municipal recreational purposes will not be closed.
7. Road allowances, which have historic or cultural value will not be closed.
8. Road allowances used for access to properties will not be closed unless an alternate, suitable and sufficient access, with the express written consent of all serviced owners, is found acceptable by the Township.
9. Road allowances leading to the water shall not be closed unless an alternate, suitable and sufficient access, with the same or better water frontage is provided elsewhere.
10. The Township of Faraday will not become involved in any boundary line disputes.
11. The selling price for the shoreline road allowance will be a minimum of **\$2,000.00** for the first 150 linear feet of shoreline, **plus \$5.00 per linear feet for frontage purchased over 150 feet**, measured by taking the outer limit boundaries of the shoreline road allowance based on the Reference Plan provided by the applicant, generally being the straight line distance at its widest point.
12. A by-law passed by the Township permanently closing a road allowance does not take effect until a certified copy of the by-law is registered in the Land Registry Office for the Land Titles Division, Hastings No. 21
13. The Applicant(s) shall pay all costs of the Township pertaining to the Application and processing of the same including administrative, legal fees and disbursements, survey and HST on all of the foregoing prior to the delivery of the Transfer/Deed of Land for the transfer to the Applicant(s).

14. The Applicant(s) shall complete the "Application for Closure and Sale of a Road Allowance" for the Township of Faraday, a copy of which is attached hereto as **Schedule "B"**.
15. The Applicant(s) shall submit the Application to the Township with the following:
  - a) Written letter to Council advising the reason the applicant is requesting the purchase of the road allowance.
  - b) A copy of the registered Transfer/Deed of Land for the property abutting the part of the road allowance showing the names of the current owners;
  - c) A sketch indicating with reasonable accuracy, the lot lines, dimensions of and present access to the property. If a reference plan is available, it shall be used in lieu of a sketch. The Applicant(s) shall outline on the sketch or plan the area of shoreline for which the "Application for Purchase of Shoreline Road Allowance" is being made, particulars of other roads on the property and of other shoreline road closings in the area. The Clerk will review the sketch and if it is determined that it contains insufficient information, the Application will be returned to the Applicant(s) for completion; and
  - d) Payment of the sum of \$250.00 Municipal Administration Fee and \$500.00 as a deposit to cover some of the costs associated with the purchase of the Land.
16. In the case of an Application relating to a Shoreline Road Allowance, if the Applicants and the abutting Owners agree to the location of the projected side lot line of the Shoreline Road Allowance to be closed and sold, the Applicant shall clearly mark the boundary lines as proposed on either side of their property and shall plant a picket marked with red paint or with a survey ribbon a minimum of 2 feet beside the corner post of the Applicant's property nearest the water and another marking the extension of the boundary line to the high water mark as established by the municipality and as indicated on the plan.
17. A field inspection of the abutting property and road allowance will be conducted (if deemed necessary by the Council).
18. After the application has been reviewed by the Township on a preliminary basis and after a field inspection is conducted (if Council deems it necessary), the Township may by letter give tentative approval to the Application but such approval does not necessarily guarantee the final approval of the application. This procedure is designed to pinpoint obvious problems in the initial stages of the application and therefore eliminate further expenses to the Applicant.
19. Applicants who have received tentative approval shall pay an additional amount of \$400.00 on account of costs. If the Applicant later abandons the Application, some or all of this amount may be refunded at the discretion of the clerk.
20. Receipt of payment will be deemed as authorization to proceed with the Application, at which time, the Applicant will arrange to obtain a Reference Plan of the road allowance prepared by an Ontario Land Surveyor. It is the Applicant's responsibility to arrange for and obtain the Reference Plan.
21. The Applicant shall deliver four (4) copies of the Reference Plan after it has been deposited at the Registry Office together with the written Certificate of the surveyor that the location of the projected side lot line, as shown on the draft Reference Plan.

22. Upon receipt of the Reference Plan, the Township will have their solicitor prepare a by-law for the closure of the shoreline road allowance, for presentation to Council at the appropriate time.
23. Before passing a by-law for permanently closing any shoreline road allowance or any part thereof, the Township shall give public notice of its intention to pass the by-law by publication of an advertisement in, a newspaper having circulation within the Township on at least two (2) occasions with the last publication to be at least five (5) days prior to the Council meeting at which time the by-law will be considered. The notice will contain a statement that the Township intends to pass a by-law permanently closing a part or all of a road allowance and intends to sell it to the abutting owner(s).
24. In addition, notification of the closure will be posted in three public locations.
25. If no objections are received from any person or corporation, the by-law will be passed. If objections are received but Council decides to pass the By-law notwithstanding such objections, the By-law will be passed.
26. After the By-law is passed, the Township solicitor will prepare a Transfer/Deed of Land for the conveyance of the shoreline road allowance from the Township to the applicants, or their successors in title, in the name or names as noted on the Transfer/Deed of Land to the abutting land.
27. Any outstanding costs, identified in paragraph 13 herein, shall be paid by the Applicant(s) in full prior to the delivery of the Transfer/Deed to the Applicant(s). All conditions as stipulated by the Township must be adhered to before the transaction is concluded.

**SCHEDULE "B"**

**THE CORPORATION OF TOWNSHIP OF FARADAY**  
**APPLICATION FOR CLOSURE OF A ROAD ALLOWANCE**

**MUNICIPAL ADMINISTRATION FEE: \$250.00 (NON-REFUNDABLE)**  
**DEPOSIT FOR PURCHASE OF LAND: \$500.00**

1. Name of Property Owner(s): \_\_\_\_\_  
\_\_\_\_\_
2. Civic Address of Subject Property: \_\_\_\_\_  
\_\_\_\_\_
3. Mailing Address of Applicant(s): \_\_\_\_\_  
\_\_\_\_\_
4. Telephone Number: (\_\_\_\_) \_\_\_\_\_
5. Email Address: \_\_\_\_\_
6. Date of Birth for (each owner):  
\_\_\_\_\_  
year                      month                      day  
\_\_\_\_\_  
year                      month                      day
7. Applicant's Solicitor \_\_\_\_\_  
Telephone Number: ( \_\_\_\_ ) \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_
8. Legal/Property Description: Lot. No. \_\_\_\_\_ Concession No. \_\_\_\_\_  
Plan No. \_\_\_\_\_ Frontage: \_\_\_\_\_  
Depth: \_\_\_\_\_ Acreage: \_\_\_\_\_  
Geographic Township: \_\_\_\_\_  
Lake/River: \_\_\_\_\_
9. Items required to accompany Application:  
Sketch/Plan of Property (attached)      Yes \_\_\_\_\_      No \_\_\_\_\_  
Reference Plan (attached/if applicable)      Yes \_\_\_\_\_      No \_\_\_\_\_  
Copy of Transfer/Deed of Land (attached)      Yes \_\_\_\_\_      No \_\_\_\_\_

10. Is there an access to the property other than the road allowance?  
Yes \_\_\_\_\_ No \_\_\_\_\_
11. Is the road allowance serving as access to other properties?  
Yes \_\_\_\_\_ No \_\_\_\_\_
12. Do the adjoining property owners consent to this Application?  
Yes \_\_\_\_\_ No \_\_\_\_\_
13. Are the Consent Forms Attached: Yes \_\_\_\_\_ No \_\_\_\_\_

**DATE OF APPLICATION:** \_\_\_\_\_

**SIGNATURE(S) OF APPLICANT(S):** \_\_\_\_\_

\_\_\_\_\_

*Personal information contained on this form, will be used for the purpose of responding to the initial application. Questions about the collection of personal information should be directed to the Clerk of the municipality.*

**TERMS OF THE APPLICATION**

The submission of the "Application for Closure of the Road Allowance" is hereby deemed as formal request by the Applicant(s), signed thereon for **The Corporation of the Township of Faraday** to commence with the closure and disposition of the road allowance as described in this application and outlined on the sketch or Reference Plan of Survey hereto attached.

The Applicant(s)/Owner(s) hereby agree(s) to purchase from **The Corporation of the Township of Faraday** the road allowance as described on the attached application for the purchase price of **minimum of \$2,000.00** for the first 150 linear feet of shoreline, **plus \$5.00 per linear feet for frontage purchased over 150 feet .**

The Applicant (s)/Owner(s) hereby agree(s) to pay all legal fees and disbursements, administrative and survey costs and GST/PST and/or HST associated with the closure and disposition of the road allowance, all or in part, as may be required from time to time.

It is understood that the Township cannot in any way guarantee the successful completion and sale of the road allowance to the Applicant(s) should there be an objection to the Application.

**A NON-REFUNDABLE MUNICIPAL ADMINISTRATION FEE** in the amount of \$250.00 must accompany this Application.

SCHEDULE "C"

THE CORPORATION OF THE  
TOWNSHIP OF FARADAY  
29860 Hwy 28 South, Bancroft, Ontario K0I 1C0  
TEL: (613) 332-3638 ☎ FAX: (613) 332-3006  
E-MAIL - office@faraday.ca

**CONSENT TO SALE OF ROAD ALLOWANCE**

IN THE MATTER OF the Application for Closure of Road Allowance made by:

(Applicants names) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

for that portion of the 66 foot road allowance located on:

Part Lot/Lot \_\_\_\_\_, Concession \_\_\_\_\_ or Registered Plan \_\_\_\_\_

Designated as Part(s) \_\_\_\_\_ on Reference Plan 21R- \_\_\_\_\_

Geographic Township of \_\_\_\_\_, now in the Township of Faraday along the shore of  
\_\_\_\_\_ River/Lake,

abutting the Applicant's property.

I/We the undersigned, being the owner(s) of the adjacent property, consent to the closure and sale of the described road allowance as indicated on the attached plan/sketch.

I/We have no objection to the tentative boundary of the road allowance as outlined.

I/We understand that the final boundaries will be determined by an Ontario Land Surveyor and may vary slightly from that indicated on the attached plan/sketch.

DATED this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_.

SIGNATURE(S) \_\_\_\_\_

(Please print name below signature) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**PLEASE NOTE:**

That the boundary line should be marked with a picket marked with red paint at the site/location as agreed upon between you and your neighbor, in accordance with the Policies and Procedures (Paragraph 16.) before you consent to any sale. If you consent to the Application for Closure of the Road Allowance you are also required to sign the plan/sketch, which must be attached to this Consent Form.