

The Corporation of the City of Kawartha Lakes
Council Report

Report Number RS2020-005

Meeting Date: June 23, 2020

Title: Temporary Disposal and Acquisition of Land for Title
Correction Purposes – Portion of Pigeon Lake Road

Ward Number: 6

Author and Title: Sharri Dyer, Manager – Realty Services

Recommendation:

That Report RS2020-005, **Temporary Disposal and Acquisition of Land for Title Correction Purposes – Portion of Pigeon Lake Road**, be received.

Department Head:_____

Financial/Legal/HR/Other:_____

Chief Administrative Officer:_____

Background:

At the Council Meeting of March 19, 2020, Council adopted the following resolution:

CW2020-038

Moved By Councillor Elmslie

Seconded By Deputy Mayor O'Reilly

That the deputation of James R. Webster and Larry Phillips, regarding assistance to resolve an issue on title to 1899 Pigeon Lake Road, be received.

Carried

CW2020-039

Moved By Councillor Yeo

Seconded By Councillor Dunn

That the request from James R. Webster and Larry Phillips, for assistance to resolve an issue on title to 1899 Pigeon Lake Road, be referred to staff for review and report back at the April 7, 2020 Committee of the Whole Meeting; and

That this recommendation be brought forwarded to Council for consideration at the next Regular Council

Carried

This Report addresses that direction.

In January 2020, an application was received by Realty Services from the owners of the property municipally known as 1899 Pigeon Lake Road. The applicants advised that their property had been previously severed with one portion put into their names as owners and one portion put in their names “in trust” as owners. When these parcels were transferred into Land Titles, the notation “in trust” was deleted which meant that the two parcels were now in the same name and as a result merged as one. At some point in time, a strip of land adjacent to one of the parcels was transferred to the City for road widening purposes. When the owners tried to sell one of their parcels they realized that the parcels had merged and they were unable to proceed with the sale of just one of the original parcels.

In their application, it was suggested by the applicants that the best way to correct their title issue would be to have the subject portion of road that was conveyed to the City for road widening purposes conveyed back to the applicants. They suggested that if this was done, the principle of “once a severance, always a severance” would apply, thus allowing them to change the

title of one of the parcels into their names with their son. This would keep the two parcels separate and they would not merge due to the fact that they would have two different owners. The owners would then immediately convey that strip of land back to the City before they proceeded with their sale.

This issue was brought to the Land Management Committee on February 10, 2020 and the Committee denied this request. The Committee was supportive of what the residents are trying to accomplish, but felt the method suggested was not the best process to achieve the desired result. The Committee felt that the residents would likely be able to get the matter resolved more quickly on their own, perhaps by proceeding with another severance or by making an application to the Land Registry Office. The Committee further felt that the City had no interest in this transaction and that our resources would be better spent if they were directed at other initiatives.

The applicants subsequently made a deputation to Council at the Committee of the Whole meeting on March 10, 2020. Council requested that Realty Services submit a report to Council on this matter.

Appendix A is a general location map, and Appendix B is an aerial photo of the subject lands.

Realty Services has been recently advised by the applicant's representative that that this matter had been resolved by the resident. Staff have inquired as to how the resident resolved the issue, but received no confirmation. Accordingly, this Report is now for informational purposes only.

Rationale:

With respect to the original issue before it had been resolved, the Land Management Committee had concluded that the City has no interest in this transaction (other than as a planning matter) and that City resources would be better spent if they were directed at other initiatives.

The City is not normally in the business of correcting title of lands that are not owned by the City.

Other Alternatives Considered:

None.

Financial/Operation Impacts:

Proceeding in the manner as recommended by the Land Management Committee would have saved the City's resources, which could then be applied to actions that align with the goals in the Strategic Plan. As it worked out, that is what happened. The actions requested by the applicant did not align with the goals in the Strategic Plan.

Relationship of Recommendations To The 2020-2023 Strategic Plan:

The recommendations set out in this Report would conserve City resources for actions that would support any of the four priorities in the Strategic Plan, being:

- A Vibrant and Growing Economy
- An Exceptional Quality of Life
- A Healthy Environment
- Good Government

Consultations:

Land Management Committee
Land Registry Office

Attachments:

Appendix A – General Location Map



Appendix A -
General Location Map

Appendix B – Aerial Photo



Appendix B - Aerial
Map.pdf

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Department File: L06-20-RS004