

Management Directive No.:	
Management Directive Name:	<b>Land Management Team Management Directive</b>
Date Approved by CAO or Designated Person:	
Date revision approved by CAO or Designated Person:	
Related SOP, Management Directive, Council Policy, Forms	<b>CP2018-007 Land Management Policy</b> <b>CP2021-047 Dock Encroachment Policy</b> <b>Road Construction – Existing Lots of Record Management Directive</b>

## Directive Statement and Rationale:

On July 17, 2018, Council passed Resolution CR2018-460, requiring that a Management Directive be drafted for approval by the CAO with respect to the activities of the Land Management Committee (now, the Land Management Team). That Resolution set out the minimum directives for the Land Management Team.

The Land Management Team was created by the Property Disposition Task Force in 2001, with the approval by Council of the Land Management Policy number 032-CAO-005, now numbered as CP2018-007 (the "Policy").

The Policy defines the Land Management Team as "a staff committee chaired by the Realty Services Manager composed of representatives of each of the departments of Community Services, Public Works, Development Services, Engineering and Corporate Services, as appointed by the Director of each relevant department. Realty Services Law Clerk provides a recording secretary function, and minutes of decisions are recorded for every meeting. The Land Management Team is the administrative and legal arm for the management of the real estate portfolio owned by the City."

The Policy includes the function of a Portfolio Management Team, defined as "a staff committee co-chaired and project managed by Strategy Management Office (which also acts as recording secretary), co-chaired by Manager of Building and Property, and comprised of the Asset Manager and Realty Services Manager. The Portfolio Management Team is the asset management function for the real estate portfolio owned by the City."

The roles, functions and activities of each of these staff teams is set out in the Policy.

Council has the sole authority to sell or acquire property according to sections 5.01 and 5.02 of the Signing By-law 2016-009. In the case of a potential sale or acquisition of property, the function of the Land Management Team is to determine a recommendation to Council, which will be conveyed through a Report drafted by Realty Services, with respect to a potential acquisition or disposition of land. Land sales (process for public notice prior to sale, amount charged for land, etc.) are governed by Disposition By-law 2018-020 and Disposal of Real Property Policy CP2021-033 (formerly CP2018-013).

The City Solicitor has been delegated authority to sign lease agreements with revenue/expense of up to \$10,000.00 per year and a term of up to 5 years, without the necessity of the matter proceeding to Council (as per section 5.03 of Signing By-law 2016-009). Similarly, the City Solicitor has been delegated authority to sign license agreements of up to \$10,000.00 per year without the necessity of the matter proceeding to Council (as per section 5.05 of Signing By-law 2016-009).

The Director of Engineering and Corporate Assets has been delegated authority to release easements in favour of the City registered on private land and to release subdivision agreements on private land, without obtaining instruction from Council (By-law 2016-059).

In each of these cases, where Council has delegated authority to Staff, the Land Management Team is a convenient forum to vet matters before that delegated authority is exercised. Specifically, the intent is that each potentially impacted department will provide input to the decisions made at the Team meeting.

Matters proceeding to Council for decision are required, subject to certain exemptions, to be public (section 239 of the Municipal Act, 2001). The potential acquisition or disposition of land can be presented to Council in a closed meeting (section 239(2)(c) of the Municipal Act, 2001). Likewise, the potential lease or license of land can be presented to Council in a closed meeting (section 239(2)(k) of the Municipal Act, 2001). The meetings of the Land Management Team are not public meetings due to the fact that virtually every matter discussed would be subject to privilege should it proceed in a public forum. This allows Staff to freely discuss confidential matters – such as negotiation strategy – that would otherwise have to go to a closed session if the matter was before Council or a Committee of Council.

## Scope:

This Management Directive applies to the activities of the Land Management Team. In addition to this Management Directive, the Land Management Team is bound to the provisions of the Land Management Team Policy.

## Management Directive:

### *Procedure*

1. Meetings of the Land Management Team will be called by Realty Services no less frequently than once every 2 months.
2. The meetings of the Land Management Team are confidential and are not to be attended by members of the public.
3. The Manager of Realty Services is to circulate the Agenda for the upcoming Land Management Committee to all members of Council and the Mayor a minimum of two weeks in advance of an upcoming meeting.
4. Mayor and Council members will have an opportunity to submit written comment/information to the Manager of Realty Services up to 4:30 pm on the day preceding the Land Management Team, which written comment/information will be added to the Agenda for discussion.
5. Mayor and Council members will have an opportunity to attend the meeting, to make a statement or provide information to the Team.
6. Mayor and Council members may attend the deliberations of the Team.
7. The decision of the Land Management Team on an item, and reasons therefore, will be communicated to the applicant in writing within 2 weeks of the meeting at which the decision was rendered.
8. Mayor and Council members expressing interest in an item will be copied on correspondence out to the applicant(s) of that item, in which the Team advises of the Team's decision and reasons therefore. This letter will advise the applicant that – if he/she is not satisfied with the decision of the Team – he/she may make a deputation to Council.

## *Consistency in Decision Making*

To be consistent with past practice and to treat all members of the public fairly and equally, the Team will make the following decisions in the following circumstances, as a general rule. There may be facts specific to a certain situation that distinguish it from the general rule.

## *Decision Making – Land Sales – Road Allowances*

1. Road allowances, if sold, will only be sold to the adjacent owner(s), unless considered a viable and developable building lot, in which case sale will be with the consent of the adjacent owners.
2. When road allowances are being considered for sale, all adjacent owners will be contacted for their interest in acquiring the half adjacent to their property. If they are not interested in acquiring the half adjacent to their property, the City will sell the entire width to their neighbour (the applicant).
3. Road allowances that are sold will be sold on the condition that the road allowance will merge with the adjacent parcel, so that no new developable parcel is created. This will require that the City pass a deeming by-law, where the recipient lot was created through plan of subdivision.
4. Road allowances leading to water will not be sold, pursuant to By-Law 2018-020, as amended, due to the fact that they provide public access to the water. However, where alternative and sufficient access in the immediate area exists, roads leading to water may be sold to the adjacent landowner(s).
5. Per the requirements of the Municipal Act, 2001, as amended, when road allowances that are under water, or partially under water, are being considered for surplus and sale, the City is to consult with the Ministry of Natural Resources and Forestry. MNRF has advised that its perspective is that "municipalities have clear authority in these cases and may either choose to retain ownership of such submerged road allowances, transfer ownership to another agency or convey the submerged portion to the backshore property owner" and therefore, MNRF does not require circulation prior to sale of such road allowances.

## *Decision Making – Land Sales*

6. Parcels (or portions thereof) adjacent to bridges that may be used for construction lie-down area will not be sold.

7. Vacant parcels (or portions thereof) adjacent to existing City buildings will only be sold if the 100-year land needs of the City are such that the land is unlikely to be required to construct a new replacement building/expansion upon failure or insufficiency of the existing building.

## *Decision Making – License Agreements – Docks and Boathouses*

8. Reference will be made to Dock Encroachment Policy CP2021-047<sup>1</sup>.
9. Existing (as of 2018) private boathouses and docks on shoreline road allowances, road allowances leading to water or on water access parcels or vacant parcels will be approved if in conformity with the Dock Encroachment Policy and provided circulation to the neighbourhood does not raise a conflict that cannot be settled.<sup>2</sup>

## *Vesting Orders, Acquisitions or Name changes – City Infrastructure on Private Property*

10. Where City infrastructure, such as an assumed road or water or sewer, is on privately owned property, the City will obtain a vesting order where the current owner is deceased or cannot be located, to acquire title to the property.
11. Where the City has underground infrastructure on private property and no easement is registered on title, nor can one be found by a search of the Registry Office, the City will register Notice on title pursuant to section 71 of the Land Titles Act. If a Registry Search discloses an easement not registered on title, the City will attempt to register the easement on title.
12. Where a City assumed road is on private property and the current owner can be located, the City will attempt to acquire the property from the current owner for no consideration and all costs of the transaction payable by the City, including reimbursement of the transferor's legal costs up to a maximum of \$1,000.00.
13. Road acquisitions will be to a minimum 66-foot width, when possible.
14. Where the City is approached by a landowner to acquire title to a forced road<sup>3</sup> over his property to clear up his title, and allow that title to convert from the Registry system to the Land Titles system, the City will acquire the road under all the above conditions but with the exception that the transferor will pay the costs of the transfer (survey, and both his own legal costs and that of the City).

15. The City will not acquire ownership of unassumed private roads.

16. Where title to a road/walkway was to transfer to the City pursuant to a Plan of Subdivision, but it is subsequently discovered that the land was not transferred, the City will acquire the ownership by application to the Land Registry Office for a name change. The City will look to recover the cost of the name change and associated legal costs from the legal counsel that inadvertently failed to convey the lands.

### *License to Construct a Road*

These matters do not come to the Land Management Team; they proceed to the Development Review Team. See Road Construction – Existing Lots of Record Management Directive.

### **Revision History:**

Proposed Date of Review:

Revision	Date	Description of changes	Requested By
0.0	January 27, 2022	Initial Release	

<sup>1</sup> Formerly CP2018-001.

<sup>2</sup> Reference decision of Council dated September 21, 2021, being Council Resolution CW2021-205 pertaining to 3 Treewood Lane, Kirkfield Dock.

<sup>3</sup> Assumed by the City for maintenance purposes.