



## Council Report

---

<b>Report Number:</b>	<b>RS2022-030</b>
<b>Meeting Date:</b>	April 19, 2022
<b>Title:</b>	<b>Disposition of Shoreline Road Allowance adjacent to 6-14 Copper Lane, Kirkfield</b>
<b>Description:</b>	Request for Approval of Deeming By-Law Required to Merge 6-14 Copper Lane, Kirkfield with Part of the Shoreline Road Allowance Parcel designated as Part 3 on Plan 57R-3311
<b>Author and Title:</b>	Laura Carnochan, Law Clerk – Realty Services

---

### Recommendations:

**That** Report RS2022-030, **Disposition of Shoreline Road Allowance adjacent to 6-14 Copper Lane, Kirkfield**, be received;

**That** the deeming by-law attached as Appendix E be approved and adopted by Council.

**Department Head:** \_\_\_\_\_

**Financial/Legal/HR/Other:** \_\_\_\_\_

**Chief Administrative Officer:** \_\_\_\_\_

## **Background:**

At the Council Meeting of December 4, 1979, Council for the Corporation of the Townships of Laxton, Digby, and Longford passed By-Law 18-79 (attached as Appendix A), which stopped up and closed the shoreline road allowance along the northerly shore of Head Lake and authorized sales to the adjacent landowners (including 6-14 Copper Lane).

The purpose of this report is to advise Council that Staff recommends that a deeming by-law be passed in addition to the disposition by-law, in order to effect a merging of the purchaser's property (6-14 Copper Lane) and the adjacent portion of shoreline road allowance.

## **Rationale:**

The Land Management Team received a request from the owner of 6-14 Copper Lane, Kirkfield to purchase the portion of shoreline road allowance adjacent to their property. This was reviewed by the Team at its meeting of September 13, 2021 and the Team had no objections.

As part of the disposition process, Realty Services completes title searches and historical records searches to confirm there are no restrictions to selling the subject property. During this process, Realty Services discovered By-Law 18-79. As the subject property had already been stopped up, closed, and authorized for sale by Council for the former Corporation of the Townships of Laxton, Digby, and Longford, further direction from Council was not required.

Subsequent to the Agreement of Purchase and Sale being executed and provided to the solicitors for both parties, it was noted that a deeming by-law would be required in order to effect the merging of the purchaser's property with the subject shoreline parcel.

It is standard practice for the Realty Services division to request authorization to pass a deeming by-law within the initial Report recommending the stop up and closure of the road allowance. As this Report was not required given that By-Law 18-79 already stopped up and closed the road allowance and authorized its sale, authorization for a deeming by-law could not be obtained through the standard procedure.

If a deeming by-law is not passed and registered on title prior to closing, the properties would remain separately conveyable and would create a parcel (the shoreline parcel) that is not developable due to its lack of road access and small size.

The purchaser is aware of the deeming by-law requirement and has provided consent to proceed with registering the deeming by-law on title. The purchaser is also aware and agreeable to paying the associated costs of the registration.

### **Other Alternatives Considered:**

Council could decide not to approve a deeming by-law. This is not recommended, as the sale of the subject portion of shoreline has been approved and the sale cannot proceed without a deeming by-law.

### **Alignment to Strategic Priorities:**

The recommendations set out in this Report align with the following strategic priority:

- Good Government
  - Effective management of the municipal building and land portfolio

### **Financial/Operation Impacts:**

None, as the costs of registering the deeming by-law will be borne by the purchaser as part of their closing costs for the sale transaction.

### **Consultations:**

Land Management Team

### **Attachments:**

Appendix A – By-Law 18-79 (R155206)



Appendix A -  
By-Law 18-79 (R1552

Appendix B – General Location Map



Appendix B -  
General Location Map

### Appendix C – Aerial Map



Appendix C - Aerial  
Map.pdf

### Appendix D – Map



Appendix D -  
Map.pdf

### Appendix E – Deeming By-Law



Appendix E -  
Deeming By-Law.pdf

**Department Head E-mail:** rcarlson@kawarthalakes.ca

**Department Head:** Robyn Carlson

**Department File:** L06-21-RS033