



Council Report

Report Number: PR2023-008
Meeting Date: December 12, 2023
Title: MTO-Owned Mitchell Lake Property
Description: Property in question is owned by the MTO without a lease agreement with the City so maintenance by the City will be discontinued
Author and Title: Craig Shanks, Director of Community Services

Recommendation(s):

That Report PR2023-008, **MTO-Owned Mitchell Lake Property**, be received; and,

That maintenance of this property by the City cease, and it be removed from the City's municipal parks inventory listing.

Department Head: _____

Financial/Legal/HR/Other: _____

Chief Administrative Officer: _____

Background:

The City has been maintaining a property along Portage Road on Mitchell Lake near Kirkfield (PIN 63168-0481). It has been determined that the City does not own this parcel of land nor does the City have an agreement for maintenance and use of this land with the owner (MTO).

Rationale:

In 2021 the City determined that the Kirkfield – Mitchell Lake property – PIN 63168-0481 was not a municipally-owned property nor did an agreement or license to operate and use the lands exist. Property maintenance, grass cutting and garbage collection are the services which have been provided. The property is approximately 2.8 acres and it is comprised of a gravel driveway, boat launch, open green spaces and a forest area. The entrance requires regular maintenance as the gravel washes out frequently. This site also typically has a large amount of household garbage frequently illegally dumped. The City currently pays a contractor to maintain the turf areas and pays for a port-o-potty to be there seasonally. Through the summer, there is a need for Parks and Recreation staff to visit the site two to three times per week to collect additional garbage and litter, over and above the contracted service.

At the time the ownership was in question, the City's Realty Services team became involved to determine ownership and status. Parks Canada (Trent-Severn Waterway TSW) was thought to be the owner of the property, however discrepancies were found and it was later discovered that the GIS system lists Environment Canada as the owner. TSW then conducted their own search and determined that the Ministry of Transportation (MTO) is in fact the owner.

Trent-Severn Waterway (TSW) does not currently have administration over the land. In 1961, and Order-in-Council (OIC) transferred administration and control from Her Majesty in right of the Government of Canada (TSW) to Her Majesty in right of the Province of Ontario (Department of Transportation). In short, TSW requires an Order-in-Council from the Ministry of Transportation (MTO) to transfer the lands back to TSW and TSW responds with a Transfer of Control. In 2001, MTO stated documentation was in progress but it has not been completed.

We are working to correspond with MTO to complete the necessary transfer

documentation so that Ontario Waterways, Trent-Severn Waterway. Until this is finalized, Trent-Severn Waterway is unable make decisions regarding use of the land.

The City has continued to maintain this parcel of land in hopes that a resolution could be found. However, as it is now been in question for over 2 years, with no answers or projected desire from the Province to enter into a license or agreement, staff are recommending to cease property management. It is not the mandate of the municipality to provide services and management to non-municipal properties. Additionally, there is a need to protect the City from future legal and liability issues.

The City does have water access boat launches in the vicinity from the Mitchell Lake property. It is 5.2 kilometres from the Balsam Lake launch on Balsam Lake Dr. and 11.2 kilometres from the Canal Lake launch on Centennial Park Rd., both providing access to the TSW.

Other Alternatives Considered:

The City could continue to manage and maintain this property. However, this is not recommended as it is not municipally-owned nor is an agreement in place with the MTO. Therefore, it constitutes good government to discontinue City maintenance and ensure proper utilization of City resources that will not create legal or liability issues moving forward.

Alignment to Strategic Priorities

The strategic priorities within the 2020-2023 Kawartha Lakes Strategic Plan that are aligned with the recommendations from within this report are:

1. Good Government

The Strategic Plan is available on SharePoint at the following link:

[Kawartha Lakes Strategic Plan 2020-2023](#)

Financial/Operation Impacts:

As a result of this recommendation the contractual costs, turf maintenance and port-o-potty rental, will be saved. This represents \$7,000 annually. By discontinuing City operations of the site we will better use and maximize the effectiveness of North Parks operations. There will also be future capital savings by discontinuing service provision as this property requires ongoing significant investment.

The City will also ensure we are not improperly utilizing City resources to maintain and operate a non-municipally owned property or one that we do not have an agreement for management, maintenance and use of.

Servicing Implications:

This action will not impact on City servicing (water, sewer, etc). However, from a maintenance impact, this non-municipality owned property within the City of Kawartha Lakes will no longer be maintained by City staff.

Consultations:

Ministry of Transportation

Realty Services Division

Attachments:



Aerial Mitchell Lake
Parkette.pdf



Mitchell Lake
Parkette.pdf

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