



## APPLICATION TO CLOSE AND CONVEY SHORE ROAD ALLOWANCES

**BACKGROUND:** Council is prepared to consider applications to close and convey unopened shore road allowances. This involves a number of legal procedures and expenses, and it is the policy of Municipal Council that the Applicants for such shore road closings and conveyances should be responsible for these costs, not the general ratepayers, even in cases where, after some expenditures have been made, Council decides not to proceed after hearing objections or in light of new information.

**POSSIBLE OBJECTIONS:** In processing a road closing by-law it should be kept in mind that any ratepayer has the opportunity to object to the closing and appear before Council and make representations against the closing.

**SHORE ROAD ALLOWANCE RESTRICTIONS:** Council may not close and convey shore road allowance located within Type 1 Fish Habitat, abutting a wetland or that portion of a road allowance below a controlled high water mark.

### PROCEDURES

1. The applicant must obtain the "**Preliminary Consent**" of his/her neighbours **in the form provided**. This includes the approval of abutting shoreline landowners who may or may not be participating in the purchase of shore road allowance at this time. If the abutting land on one or both sides is owned by the crown, the applicant must contact the Ministry of Natural Resources at 7 Bay Street, Parry Sound, 705-746-4201, to obtain its written consent.
2. The applicant must complete the application form and submit it to the Municipality with a photocopy of the applicant's Transfer/Deed of Land, together with the Preliminary Consents as described above and a cheque in the amount of \$1,500.00 being the Application Fee of \$1,000.00 and the Administration Fee of \$500.00. Note that a similar cheque will be required for each part to be purchased if an applicant owns abutting lots which are separately conveyable (i.e. where the applicant would also be purchasing two or more shore road allowance parcels).

To clearly demonstrate the boundaries of the applicant's lot, neighbouring properties **and** the proposed projection of lot lines to the waters edge, a legible plan must also be attached. An Ontario Land Surveyor's plan is **not** required at this stage.

Upon receipt of the completed Application the Municipality's staff and the Planning Committee will review it and make recommendations to Council. Only **after** Council has granted its approval in principle to convey the land will Administration request that applicants take the following steps.

**CAUTION: DO NOT PROCEED WITH STEPS 3 TO 5 UNTIL SO DIRECTED BY THE MUNICIPALITY.**

3. Upon direction of the Municipality the applicant **or** group leader must contact his/her surveyor and advise that a draft plan be prepared. This plan **must not** be deposited in the Registry Office prior to Council's approval of said draft.
4. Following receipt of the draft reference plan from the surveyor the applicant must obtain **in the form provided** the required "**Certificate of Confirmation**" from abutting landowners. These neighbours will be agreeing to the proposed dividing lines as shown on the draft reference plan.
5. Once the applicant has obtained the necessary Certificates of Confirmation he/she **or** the group leader must send to the Municipality:
  - (a) a copy of the draft reference plan and
  - (b) the Certificates of Confirmation

6. The materials will then go the Municipal Solicitor to initiate the statutory process.

**EXPENSES:** It is not possible to anticipate exactly the expenses involved, the following is submitted as a guideline.

Expenses will vary with the complexity of the shore road allowance closing.

<b>INITIAL APPLICATION FEE</b> (non refundable) Per Single Application Plus \$25 for each additional application in a group to a maximum of ten applicants per group.	\$1,000.00
<b>ADMINISTRATIVE FEE</b> Per Single Application Plus \$100 for each additional application in a group.	\$ 500.00
<b>PURCHASE PRICE</b> Based on By-law No. 66-2011, \$2.00 per square metre for the first 90 metres of frontage and \$1.00 per square metre for any frontage over 90 metres.	\$ varies depending on the amount of road allowance  G.S.T. and Land Transfer Tax may apply.
<b>LEGAL FEES (approximate only – to be determined by solicitor)</b>  Per Lot, single application Per Lot, group application	  \$1,000.00 \$ 800.00

**The applicant must also consider the cost of the preparation of a Reference Plan and Registration. Estimates should be obtained from an Ontario Land Surveyor.**

#### **COMMENT**

From the commencement of the application until the registration of the Deed could involve a period of nine to twelve months. One of the keys to this is the speed at which the Applicant delivers to the Municipality the required information. The largest single item is the survey, which cannot be finalized until Council sees and approves the proposed division lines. Council recognizes that a division line requested by one party could interfere with the adjacent neighbour. Consent of the abutting owner as to where the lot lines extend to the waters edge and to the sale itself will be required in the form provided.

Before Council can finally enact a by-law, a notice must be published in a local paper and posted in nearby public places. Council does not deem a posting in the November to April period to be effectively "public" and postings will not be made during that time.

**PLEASE NOTE:** Building and zoning regulations may be affected by the purchase of a shore road allowance. A shore road allowance can be 20 metres in width while the setback from the water is 10 metres. Where there is a shore road allowance that has not been stopped up and purchased, no building is permitted on the road allowance excepting docks and boathouses unless the road allowance has been acquired.



### APPLICATION TO CLOSE AND CONVEY SHORE ROAD ALLOWANCES

The undersigned hereby makes application to the Municipality of Whitestone for closing of the unopened shore road allowance in front of the property of the undersigned, the particulars of which are as follows:

1. Name in full of Applicant(s).  
Name \_\_\_\_\_ Date of Birth \_\_\_\_\_  
(d/m/y)  
Name \_\_\_\_\_ Date of Birth \_\_\_\_\_  
(d/m/y)  
Marital Status \_\_\_\_\_  
(married, single, divorced, separated)
2. Address of \_\_\_\_\_  
Applicant \_\_\_\_\_  
Postal Code \_\_\_\_\_
3. Telephone: (Residence) \_\_\_\_\_ (Work) \_\_\_\_\_
4. Full details of the manner and names in which the land of the applicant is registered on title (forward copy of Deed)  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
5. Description of the applicant's property including lot and plan number, parcel number, lot and concession, etc. (Remember to include a legible plan of the property showing the boundaries of the shoreline allowance that will be in effect after the conveyance and the boundaries of adjacent property owned by others. Structure locations must be shown. Note: This is **NOT** an Ontario Land Surveyor's Plan at this point, but **MUST** be in sufficient detail to determine what land the application refers to and where the lot lines are proposed to project.)  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
6. Are there any mortgages against this property? \_\_\_\_\_  
(If yes, forward copy of mortgage)

I/WE acknowledge that I/WE have read the explanation provided with the Municipality's Application to purchase the original Shore Road Allowance and submit MY/OUR cheque in the amount of \$1,500.00 for consideration of this application by Council.

Following the Municipal Council's approval in principle, of this Application to Purchase the original Shore Road Allowance, I/WE will undertake to order a survey and ensure that same **is not registered** prior to approval of the draft plan by the Municipal Council.

I/WE agree that prior to the surrender of the Deeds to ME/US, I/WE shall pay in full to the Municipality's solicitor any outstanding balance resulting from this application.

I/WE understand that if all outstanding costs resulting from this application are not paid such will be collected in a like manner as taxes, and title to the road allowance and/or shore road allowance will not be transferred to ME/US until the account has been paid in full including interest.

Dated at \_\_\_\_\_, Ontario on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

Signed: \_\_\_\_\_  
\_\_\_\_\_

Witness: \_\_\_\_\_

Please address correspondence to: \_\_\_\_\_ OR to my personal solicitor.

Name: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Phone: (     ) \_\_\_\_\_

Please submit the following documentation with your application.

- \_\_\_\_\_ A copy of your Deed
- \_\_\_\_\_ A copy of your Mortgage
- \_\_\_\_\_ Detailed directions to your property
- \_\_\_\_\_ A diagram of your property as referred to in Question # 5

**PRELIMINARY CONSENT**

To: Municipality of Whitestone  
21 Church Street  
General Delivery  
Dunchurch, Ontario  
P0A 1G0

Re: Shore Road Allowance to be purchased by: (Name of Applicant)

\_\_\_\_\_

who owns the property known as Parcel \_\_\_\_\_ in the Register or Parry Sound  
\_\_\_\_\_ Section, in the geographic township of \_\_\_\_\_, now in the  
Municipality of Whitestone, and designed as Part \_\_\_\_\_ on Reference Plan  
\_\_\_\_\_ located in part of Lot \_\_\_\_\_ in Concession \_\_\_\_\_.

Dear Sirs:

I/WE own land abutting the above noted property and have no objection to the Municipality of Whitestone selling the original shore road allowance fronting the above noted property to the said applicant.

Dated at \_\_\_\_\_, Ontario on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

I/WE are the owners of Parcel \_\_\_\_\_ )  
in the Register for Parry Sound \_\_\_\_\_ )  
Section, in the geographic Township of \_\_\_\_\_ )  
\_\_\_\_\_ now in the Municipality \_\_\_\_\_ )  
of Whitestone and designated as Part \_\_\_\_\_ )  
Plan \_\_\_\_\_ located in part of \_\_\_\_\_ )  
Lot \_\_\_\_\_ Concession \_\_\_\_\_ )

PLEASE PRINT NAMES UNDER SIGNATURES

**CERTIFICATE OF CONFIRMATION**

To: Municipality of Whitestone  
21 Church Street  
General Delivery  
Dunchurch, Ontario  
P0A 1G0

Re: Shore Road Allowance to be purchased by: (Name of Applicant)

\_\_\_\_\_

who owns the property known as Parcel \_\_\_\_\_ in the Register for Parry Sound  
\_\_\_\_\_ Section, in the geographic township of \_\_\_\_\_, now in the  
Municipality of Whitestone, and designed as Part \_\_\_\_\_ on Reference Plan  
\_\_\_\_\_ located in part of Lot \_\_\_\_\_ in Concession \_\_\_\_\_.

Dear Sirs:

This certificate hereby confirms that:

1. I/We are the registered owners of Parcel \_\_\_\_\_ in the Register for Parry Sound  
\_\_\_\_\_ Section, in the geographic township of \_\_\_\_\_, now in the Municipality  
of Whitestone, and designated as Part \_\_\_\_\_ on Reference Plan \_\_\_\_\_  
located in part of Lot \_\_\_\_\_ Concession \_\_\_\_\_.
2. I/We have seen the draft survey of the proposed 42R- \_\_\_\_\_ plan prepared by  
\_\_\_\_\_ and dated the \_\_\_\_\_ day of  
\_\_\_\_\_, 20\_\_\_\_.
3. I/We agree with the location of the proposed projected lot lines to the high water mark.
4. I/We have no objection to the proposed conveyance in accordance with this survey.

Dated at \_\_\_\_\_, Ontario on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

PLEASE PRINT NAMES

BELOW SIGNATURES

\_\_\_\_\_

\_\_\_\_\_