



Staff Report

Report Title: Boundaries Act Dispute Settlement – Encroachments and Land Sale

Prepared By: Jennifer White, Manager of Legislative Services/Clerk

Department: CLK

Date: Mar. 4, 2024

Report Number: CLK-2024-03-13

File Number: C11 CLK24

Attachments: Draft Reference Plan

Recommendation:

THAT the Township of Huron-Kinloss Committee of the Whole hereby receive for information Report CLK-2024-03-13 as prepared by Jennifer White, Manager of Legislative Services/Clerk;

AND FURTHER THAT the direction provided to Staff to proceed with the administrative steps to stop up and close the portion of the road allowance, declare the lands surplus to municipal needs, convey the lands and enter into necessary encroachment agreements as applicable be affirmed;

AND FURTHER THAT the appropriate by-laws be brought forward.

Background:

The Township of Huron-Kinloss had been involved in a *Boundaries Act* dispute that has spanned over many years. The dispute related to the lawful location of the original road allowance on a section of lands. The legal process has been completed and a confirmatory Plan has been registered which formally establishes the location of the road allowance.

Dwellings, associated accessory structures, decks and septic's have been identified, which encroach or are wholly located on the now confirmed road allowance.

Direction was provided to Staff by Council regarding how to move forward with notification to the affected property owners of the options available to them with respect to any dwellings or structures that are encroaching on municipal property.

These matters had been discussed in closed session, per Section 238 (2) of the *Municipal Act, 2001*. This report provides information on the next steps required to be taken to fulfill the direction of Council.

Discussion:

This is a complex situation, stemming from a decade's long legal dispute over property boundaries, whose conclusion resulted in unintended encroachment by landowners on municipal lands. Staff are appreciative that for both affected residents, and the Township, there is a desire to see this situation wholly completed as soon as possible.

At the direction of Council, Staff have used a blended approach to address the various encroachments, depending on the nature of the encroachment. Affected property owners have received communications regarding options to proceed with resolving encroachment issues.

The Township has determined that a new property line would be created along the eastern boundary of the original road allowance. The property line and Parts 1-13 are indicated on the attached Draft reference plan.

Notice will be provided as required to stop up and close that portion of the road allowance, declare the lands surplus to municipal needs and the intention to convey the lands. At the completion of notice requirements, a by-law to close the road allowance along with a motion to declare the lands surplus will be brought forward for Council consideration.

Staff will work with the residents and legal to finalize all documentation related to land sales and removal of encroachments. Resolution 05/01/30 – 30 passed on May 1, 2023, provides authority to the CAO and Clerk to sign and execute any and all required documents to formalize the direction provided from Council on this matter.

Financial Impacts:

A deposit of \$2,000 is required to cover associated legal, survey and administrative costs. Total of administrative costs will be divided between property owners. Land parcels will be sold to adjacent property owners' number of parcels to be determined (TBD). Removal of encroachments TBD.

Strategic Alignment / Link: n/a

Respectfully Submitted By: Jennifer White, Manager of Legislative Services/Clerk

Report Approved By: Mary Rose Walden, Chief Administrative Officer