



The Corporation of the Township of Huron-Kinloss

Staff Report

Report Title: Unopened Road Allowance Policy

Date: May. 6, 2024

Report Number: PW-2024-05-26

Department: Public Works

File Number: C11 PW 24

Prepared By: John Yungblut, Director of Public Works

Attachments:

Recommendation:

THAT the Township of Huron-Kinloss Council hereby receives Report PW2024-05-26 prepared by John Yungblut, Director of Public Works;

AND FURTHER directs Staff to prepare a draft Unopened Road Allowance Policy for Council consideration.

Background:

Over the past few years, Township staff have received two complaints regarding changes that were made to unopened Township road allowances by abutting landowners. Currently, staff assess these situations on a case-by-case basis and follow any by-laws or legislation that would be applicable.

The main reason that Township investigate these types of complaints is for risk management purposes. If work is being done on Township property that we are made aware of and there is damage to a person or property, the Township could be found jointly liable.

Discussion/Analysis/Overview:

The purpose of this new policy will provide guidelines and principles that Township staff can use when evaluating situations where an unopened road allowance has been altered. It will also mitigate potential liability when work is being done by a landowner. We may even be able to create a standard agreement that could allow landowners to make improvements to an unopened road allowance.

Even though it's unlikely the Township would be the main defendant in a potential claim in these situations, through legislation under the *Negligence Act* the Township could be held as jointly and severally liable with another defendant. For this reason, it is very important for the Township to go through our due diligence process when we become aware of situations where unauthorized work is being undertaken on Township property. Having even basic agreements in place can prevent millions of dollars in payouts by the Township in the event of a claim.

There are other factors that we should be considered as well, such as the fact that all members of the public have equal rights to use unopened road allowances as

abutting landowners and our natural environment should be protected and not significantly altered without careful consideration.

The enforcement of this policy will be mainly based on information that is brought to the attention of Township staff. There is no intention for staff to patrol unopened road allowances to determine if changes have been made. The Township is only legally obligated to respond to a situation when we become aware of it.

At this time, we don't have a timeline for presenting a draft policy to Council as this will be a time intensive process that will require the review of existing legislation and by-laws to ensure that this policy is both fair and enforceable.

Financial Impacts:

None at this time.

Performance Measurement:

A policy will be presented to Council for consideration.

Strategic Area:

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| <input checked="" type="checkbox"/> Embrace a thriving rural lifestyle | <input checked="" type="checkbox"/> Enhance Municipal Service Delivery |
| <input type="checkbox"/> Prepare for Inclusive Growth | <input type="checkbox"/> Ensure Financial Stability |

Strategic Goal: Strive for continuous improvement and increased efficiency

Respectfully Submitted By:

John Yungblut, Director of Public Works

Report Approved By:

Jodi MacArthur, Chief Administrative Officer