

Report to Council  
 August 5, 2025  
**Report Title: Freeland Road/Road Allowance –  
 Concession 1, Lots 26 to 28, Bastard Township**  
 Department: Development Services  
 Author's Name: Tom Fehr  
 Position: Manager of Development Services  
 Report #: DS-2025-21

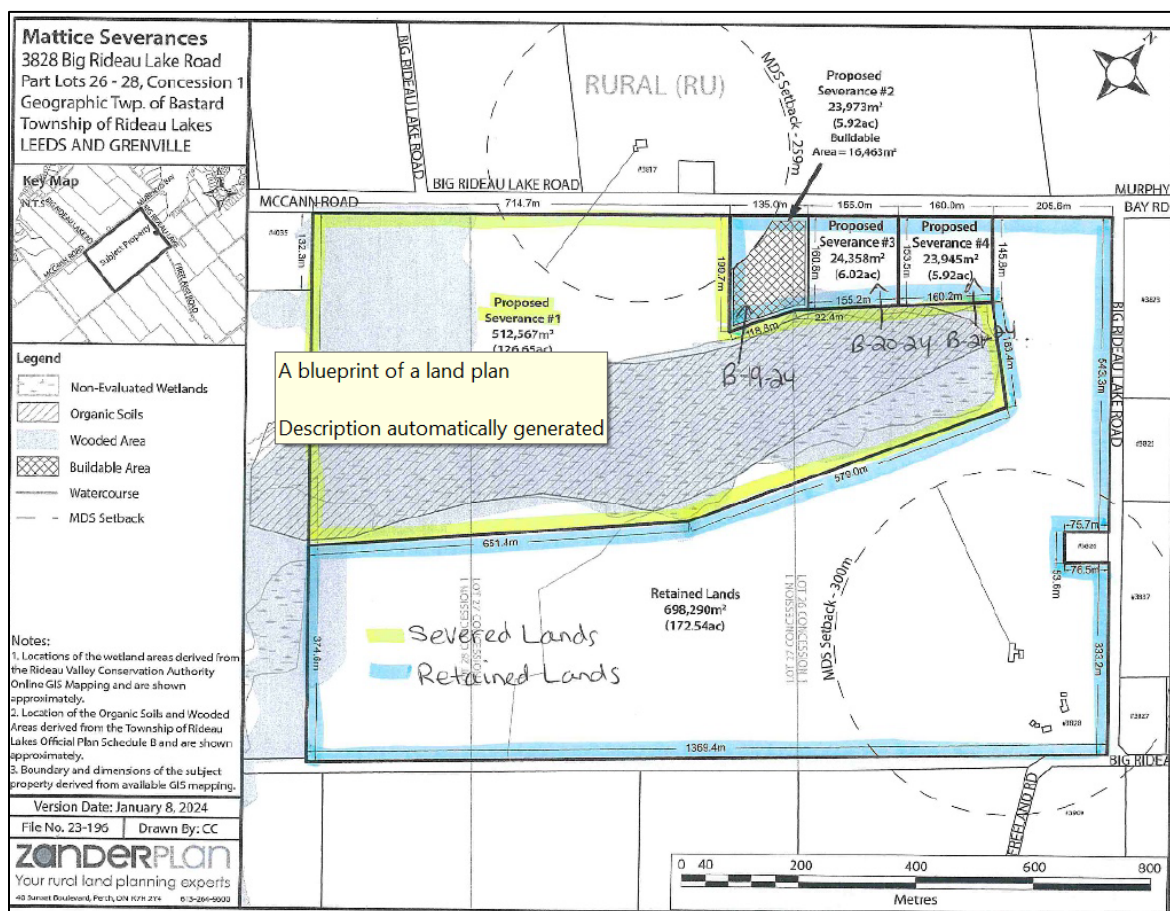


## RECOMMENDATION

Be it resolved that Council pass a By-Law to authorize the Mayor and Clerk to sign a purchase and sale agreement for \$1 to accept the lands being offered by the owner of 3828 Big Rideau Lake Road, as presented in Council Report DS-2025-21.

## BACKGROUND

This request is related to draft approved consent applications B-18-24 to B-21-24 which created four new lots plus the retained lands from an existing 129ha parcel with frontage on Big Rideau Lake Road and Freeland Road (see figure below). The applications were approved July 17, 2024, and the applicants have since met all their conditions of draft approval.



Following the clearance of conditions, in the process of registering the consent, the solicitor for the applicants identified that there was an issue with the title of the subject property. A Planning Act contravention involving the subject property occurred with a previous sale whereby the subject property and another property in Concession 2, Part Lot 28 were held in the same name, and the properties were sold to different owners. At the time of this sale, it was believed that there was a road allowance between Concession 1 and Concession 2 that would have separated these two properties.

The solicitor determined with their surveyor and the land titles office that the road allowance thought to be between Concession 1 and 2 in Bastard Township is not in fact there. When the original crown surveyors were conducting their surveying work, some geographical Townships that were surveyed have 'blind concessions' whereby a Township Road allowance is only present between every other concession, rather than every concession. Bastard Township has 'blind concessions' and there is a road allowance between Concession 1 of Bastard Township and Concession 1 of South Burgess (this is where Big Rideau Lake Road is), but there is not a road allowance between Concession 1 and 2 in Bastard Township. This alternating pattern appears to be repeated for the Concessions in Bastard Township. These facts have been reviewed and confirmed by the Township solicitor.

The subject road allowance was thought to be there, and the lands have been intermittently maintained by the Township with the occasional load of gravel. The lands, thought to be the road allowance, were also used by the Township for access to a municipal drain, a portion of which is located on the lands. The lands are also used occasionally by farmers for access to fields.

DISCUSSION

The owners of the land are seeking to give the subject lands, where the road allowance was thought to be, to the Township as this will resolve the Planning Act contravention affecting their properties and allow them to proceed with the sale of their property. The lands are identified as Parts 2 and 3 on the draft reference plan attached to this report. Accepting this land will also give the Township ownership of lands that it was previously understood to be a road allowance.

Should the lands be accepted, Part 3 should be dedicated as a public highway as it is part of Freeland Road. Part 2 would function as an ordinary municipal property – it would not be a road allowance as unopened road allowances cannot be created beyond what was originally surveyed by the original crown surveyors.

FINANCIAL IMPLICATIONS

There would be no cost to accept the lands. There are no additional financial implications anticipated to the Township if the lands are accepted. The Township already maintains Part 3 on the draft plan as it part of Freeland Road. Should it be accepted Part 2 would also be maintained at the same rate that it currently is.

ATTACHMENTS

- Draft Reference Plan

e-signed  
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Tom Fehr, Manager of Development Services  
e-signed  
\_\_\_\_\_  
Shellee Fournier, CAO

July 28, 2025  
\_\_\_\_\_  
Date  
July 30, 2025  
\_\_\_\_\_  
Date