

Report to Committee of the Whole
April 13, 2026
**Report Title: Road Allowance Conveyance Request –
Bastard Con. 9 between Lots 24 and 25**



Department: Development Services
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Position: Associate Planner
Report #: DS-2026-08

RECOMMENDATION

Be it resolved that the Committee of the Whole (CoW) recommends to Council that:

1. Council authorizes the transfer of the Township owned parcel (Part 9 on Plan 28R-5518) to Lisa Brown for the purchase price as set out in the Township's Disposal of Real Property By-law (2019-72);
2. Council explicitly waive compliance with the noticing and public offering within the Township's Disposal of Real Property Policy (2019-72) for this transaction;

as presented in CoW Report DS-2026-08.

STRATEGIC PLAN COMMENTS

Sector 8 – Governance and Administration – Strategic Initiative #4 – Township Council will ensure openness and transparency in its operations

BACKGROUND

The owners of abutting lands to an original road allowance between Lots 24 and 25 in Concession 9 of the geographic township of Bastard submitted a request in 2019 to stop up and close the road allowance and purchase part thereof. The Township has passed a by-law [#2019-21 & amended by #2019-40 (exhibit A)] to stop up and close the portion of road allowance bounded on the north and south end by Lower Beverly Lake, and to convey Parts 7 & 8 of 28R5518 to Lisa Brown. These parts were purchased and conveyed during the original application, and Ms. Brown was informed by Township staff at the time that since the whole area of the road allowance would be closed, purchasing additional segments in the future would be an option. The request to convey a portion of the road allowance comes as the owner of Parts 4 and 18 (highlighted blue in Figure 1) would like to purchase Part 9 of the road allowance (yellow). This request is to be reviewed by Committee of the Whole instead of the Planning Advisory and Committee of Adjustment since the road allowance is already closed by by-law there is no planning consideration required, instead it is a process to review the proposed sale of real property.

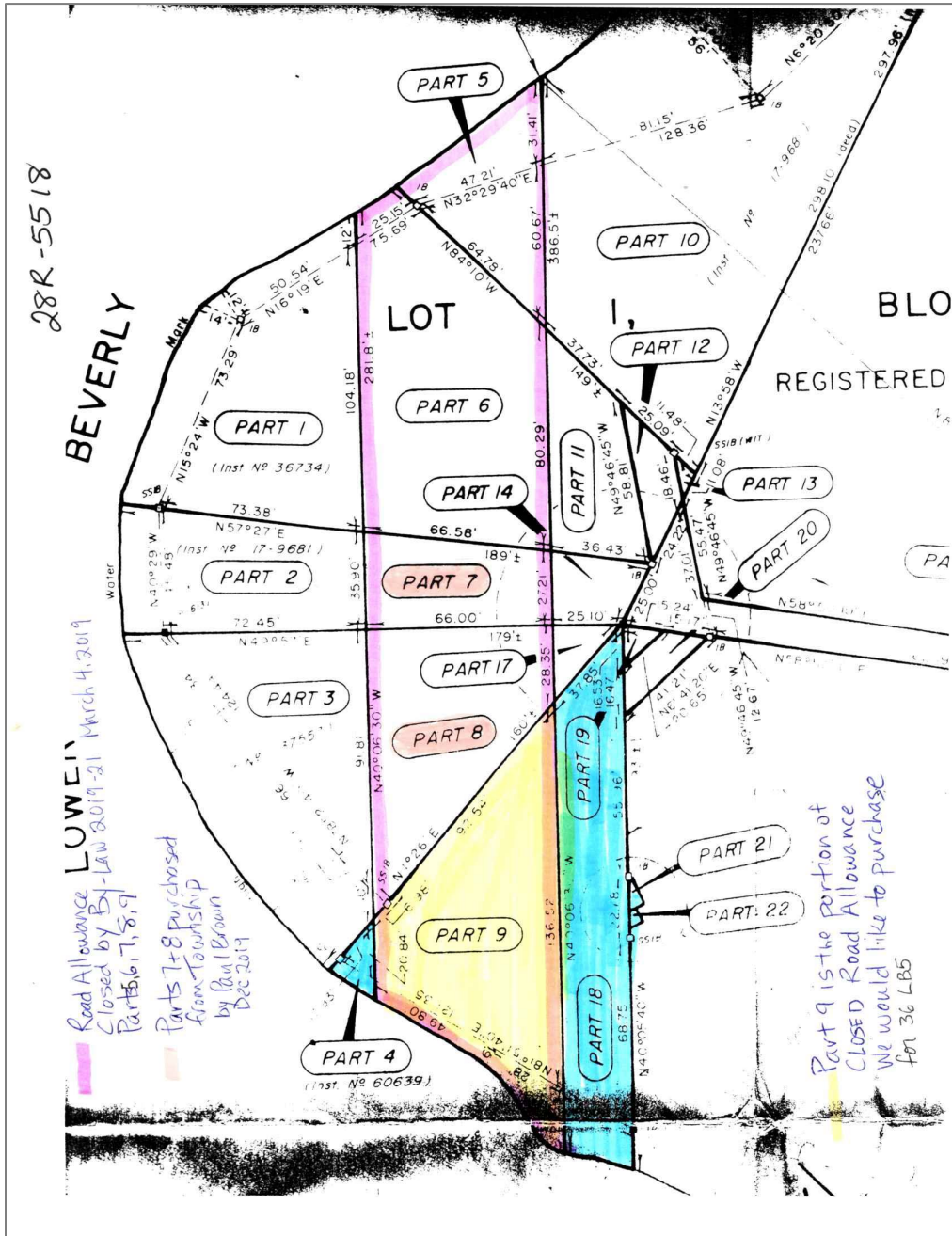


Figure 1 – Survey

DISCUSSION

By-law 2019-21 was passed that closed the entire portion of this road allowance contained within the survey being Parts 5 to 9. As noted above, this by-law only sought to convey Parts 7 and 8 to Ms. Brown. This road allowance parcel, since closed by by-law would not be considered a “highway” under Section 26 of the Municipal Act, 2001, as it was deemed surplus to the needs for the purposes of a highway at the time the by-law was passed. Since this road allowance has previously been closed by by-law, Council may, by resolution, direct staff to transfer the road allowance parcel to the requestor. There is no statutory requirement for public notice or right of first refusal under the

Municipal Act, 2001. The Township does have a Disposal of Real Property By-law (#2019-72) which requires lands to be offered publicly unless Council explicitly waives this requirement.

In this case, since the requestor is the owner of property on either side of the road allowance, staff recommend that Council pass a resolution authorizing the transaction without following the Disposal of Real Property By-law (#2019-72) for enabling public offering of the land, but maintain the purchase price as established in the Disposal of Real Property By-law (#2019-72) of \$2.41 per square foot (residential lot on water price). This results in a payment of \$14,262.38 (Part 9 is 5918 sq. ft. at a rate of \$2.41 per sq. ft). The applicant has an option to obtain an appraisal to provide a value of the land at their expense. Following the normal process for the disposal of real property requires public notification and a public offering. This would create the impression that this parcel is open for the public to be purchased, when the purchase request is from a land owner who owns the opposite sides of this road allowance portion similar to a road closure and conveyance request.

FINANCIAL IMPLICATIONS

None, as the purchaser is responsible for all costs associated with the conveyance of land, including any registration.

ATTACHMENTS

- Exhibit A – By-law 2019-21
- Exhibit B – Letter Request
- Exhibit C – Draft By-law for land conveyance

e-signed
Foster Elliott, Associate Planner

April 2, 2026
Date

e-signed
Tom Fehr, Manager of Development Services

April 7, 2026
Date

e-signed
Shellee Fournier, CAO

April 8, 2026
Date