



Township of North Kawartha
280 Burleigh Street, PO Box 550, Apsley, ON K0L 1A0
Tel: 705-656-4445 | 1-800-755-6931 | Fax: 705-656-4446
www.northkawartha.ca

Report to Council

To: Mayor and Council Members
From: Alana Solman, Chief Administrative Officer
Date: November 29, 2024
Subject: Municipal property - roll number 1536-020-002-27407

Recommendation:

Option a)

That Council declare the municipal property, roll number 1536-020-002-27407 as surplus and further that Council proceed to sell the property as per the Township's land disposition policy.

Option b)

That Council direct staff to bring back a draft a site-specific by-law specifically prohibiting barging and / or commercial barging from occurring upon roll number 1536-020-002-27407 pursuant to Section 5 of the Municipal Act, 2001 and Section 34 of the Planning Act, as amended to ensure public safety.

Option c)

That Council direct the Municipal solicitor to make application for an injunction prohibiting barging or commercial barging from being carried out.

Background:

The legal description of the municipal property, roll number 1536-020-002-27407 is Part of Lot 6 & 7, Concession 15 (former Township of Burleigh), Township of North Kawartha, being Part 40 on Plan 45R-363. The Township acquired the property on July 17, 1978.

The property was zoned Open Space (OS) pursuant to the first comprehensive zoning by-law of the former Township of Burleigh-Anstruther, By-Law No. 2-1979. The property is situated on a private road, Fire Route 52A, which is not a municipal highway under the jurisdiction of the Township of North Kawartha.



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The Township began receiving many inquiries and complaints in August 2024 regarding commercial use of the boat launch off FR52 for the purpose of barging which were provided to Council. The terms barge or barging are not contained in the Township's current Comprehensive Zoning By-Law. Construction materials were not being stored on the property and no commercial activities were occurring directly on the property. This led to a more detailed review of the historical files on this property and its uses by staff including the Chief Building Official, Manager of Planning and the municipal solicitor, M. John Ewart. Historical records indicate that the use of this property has been brought forward to several Councils on different occasions over the years. The intent of our research was to provide Council with all the information available and required in order that a decision can be made regarding this property and its use.

To determine the exact location of the boat launch and parking area, through consultation with the municipal solicitor, J. D. Barnes, OLS was hired and have provided a sketch, which is attached. A large portion of the property is flooded lands. Only a very small portion of the municipal property was being used for barging. The sketch clearly demonstrates that 3.55 m of the boat launch is on municipal property. The entire parking area is located on private property.

Analysis:

As this property currently has no specific use for the municipality and the fact that it is located on a private road that is not maintained by the municipality, Option a) seems to be the most reasonable choice for the future of this property. Council could declare the municipal property, roll number 1536-020-002-27407 as surplus and further proceed to sell the property as per the Township's land disposition policy. This would provide revenue to the municipality that could be used for other purposes.

While there may have been commercial use of this boat launch over the decades, there is no conclusive evidence that the property was used for this purpose. There were requests to the Township to permit barging. If legal non-conforming use cannot be established, barging and commercial use are not permitted uses within the current zone.

Next steps will be determined based on Council's decision.

Financial Implications:

Cost of the OLS sketch (approx.. \$ 4,000 to date) and legal costs to date.

Future costs to finalize the sketch and future legal costs. Potential revenue from the sale of the property.



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Strategic and/or Other Plans:

3.1 Maintain policies and processes that enable effective governance.

4.2 Protect the human environment.

In Consultation With:

M. John Ewart; Matt Aldom, CBO; Darryl Tighe, Manager of Planning, Connie Parent, Clerk

Attachment:

Legal opinion provided by M. John Ewart, Ewart O'Dwyer on November 19, 2024, File 3195.

Sketch provided by J. D. Barnes, OLS (Elliot and Parr) dated October 22, 2024.