



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

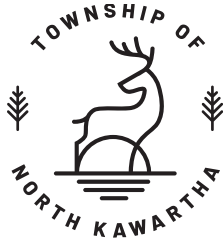
To: Mayor and Council Members
From: Alana Solman, Chief Administrative Officer
Date: June 5, 2025
Subject: Municipal property - roll number 1536-020-002-27407 and property owned by 1693373 Ontario Inc- roll number 1536-020-002-27300

Recommendation:

That Council provide direction to staff.

Background:

There are two properties located off Fire Route 52A that have been the topic of much controversy over the last year. Council has received many emails and deputations in regards to the launching of boats in this area. There is a municipal property, roll number 1536-020-002-27407 (Part 40 on Plan 45R-363) and an adjacent property, roll number 1536-020-002-27300 (Part 76 on Plan 45R-363) which is **private property**. These properties include a flat portion of property that people have used to launch boats over the years, with the majority of the flat area located on the private property and a very small portion of the area in question on the municipal property. The Township has no legal right to use approximately nine tenths of the flat area and the area previously used by some people for parking as it is located on private property. The assumption may have been that this area was all public lands. Only one very small portion of the flat area at the water in this area is municipal. Access to the municipal property is gained over private property. The Township property does have right of way (ROW) to the land but not a broader use to extend the ROW other than how it was intended and not to the public at large. The entire area where people have been parking and the larger part of this land accessing the water is privately owned. Part 40 was conveyed to the public entity, being the Township of North Kawartha, not as public lands nor for any particular purpose. Neither property is zoned to permit a boat launch. A public boat launch, public dock, marina or marine facility does not exist on the municipal property. Due to no public access being permitted over the ROW to the Township property as well as the



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fact that a boat launch is not a permitted use in the Comprehensive Zoning By-Law in a rural zone (RU) and open space zone (OS), the Township is not in a position to pass a by-law to permit or regulate a public boat launch.

Any access to Part 76 would require permission from the owners or access would be considered as trespassing. Any ROW access that property owners have would be direct access to their own property as set out on title.

The Township has completed a sketch by a surveyor to determine the boundaries of the municipal property.

Analysis:

The municipal property known as roll number 1536-020-002-27407 has been declared surplus.

Council can choose to leave this property in municipal ownership or offer it for sale in accordance with Township policy.

There are constraints and restrictions impacting this property which cannot be disregarded. Consideration should be given to what municipal purpose this property would have, if retained, since it is located on a private road. If the property is to be sold, it would be prudent to obtain an appraisal to ensure that the municipality receives fair market value. As long as the Township is following By-Law #106/07 to establish policies for the Sale of Real Property and since the Township has natural person powers, in regards to the sale of the land, Council is at liberty to dispose of municipal property as Council sees fit.

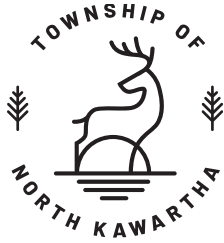
Financial Implications:

Revenue, minus associated costs, from the sale of the property. An estimated value for the property could be determined by an appraisal and there would be a cost for the appraisal.

Strategic and/or Other Plans:

3.1 Maintain policies and processes that enable effective governance.

4.2 Protect the human environment.



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In Consultation With:

M. John Ewart; Matt Aldom, CBO; Connie Parent, Clerk;

Attachment:

By-Law #106/07 to establish policies for the Sale of Real Property

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