



THE CORPORATION OF THE MUNICIPALITY OF KINCARDINE

Subject: Birchwood Shore Road Allowance

Director: Infrastructure & Development

Manager: Development Services

Report Number: Development Services-2022-21

Meeting Date: Monday, June 13, 2022

Recommendation: THAT Council receive report Development Services-2022-21 for information purposes.

Date to be considered by Council: Monday, June 13, 2022

Report Summary:

The Municipality received a legal opinion related to the status of the boundary dispute on lots 41 & 42 and the adjacent shore allowance. Staff and Council have been waiting for the adjacent landowner to produce and provide us with survey information validating the dispute. Given the lapse in time, Council requested legal input to enable the Municipality to consider its options. Staff will be presenting a legal opinion to Council in Closed session.

Origin: Council directed staff to seek a legal opinion for the boundary dispute along lots 41 & 42.

Existing Policy: N/A

Background/Analysis: The Municipality retained Doug Culbert Surveying Ltd. to complete a shoreline survey to define the shore allowance limits. The property owner of lots 41 & 42 has contested our survey findings. The plan produced by Culbert has yet to be deposited at the Land Registry office. The Municipality has been waiting on the property owner for lots 41 & 42 and their consultant to provide documentation confirming a boundary dispute exists. Given the length of time that has lapsed, Council recently directed staff to obtain a legal opinion. The legal opinion will be discussed in Closed session to properly assess the Municipality's options.

Integrated Strategy 2020 – 2025: N/A

Financial Implications: NIL

Attachments: N/A

Prepared by: Adam Weishar, Director of Infrastructure & Development

Submitted by: Adam Weishar, Director of Infrastructure & Development