



# REPORT

## Council

Meeting Date: June 17, 2024

---

**FROM:** Legal Department

**DATE:** June 4, 2024

**SUBJECT:** Disposition of surplus remnant parcel adjacent to Wyecroft Road

**LOCATION:** Adjacent to Wyecroft Road

**WARD:** Ward 1

Page 1

---

### RECOMMENDATION:

1. That the Town Solicitor be authorized to transfer Parts 2 and 3 on Plan 20R-17281 to the adjoining property owner for nominal consideration to be incorporated within the private lands.
2. That By-law 2024-060 – A by-law to stop up and close for all purposes a portion of Wyecroft Road, being Part 2 on Plan 20R-17281, be passed.
3. That the Town Solicitor be authorized to register By-law 2024-060 in compliance with the *Municipal Act, 2001*.

### KEY FACTS:

The following are key points for consideration with respect to this report:

- Parts 2 and 3 on Plan 20R-17281 (the “**Lands**”) were acquired by the Town as a road widening for Wyecroft Road at nominal consideration.
- The Region of Halton now has jurisdiction over this section of Wyecroft Road, but the Lands are no longer required for the planned alignment of the road.
- The Region has confirmed it does not require the Lands and is agreeable to a transfer back to the adjoining owner.
- The Lands are surplus to the Town needs.
- Staff are recommending transferring the Lands at nominal consideration to the adjoining owner with the owner covering all the transaction costs.
- Part 2 on Plan 20R-17281 is considered an open road allowance so it needs a road closing bylaw before it can be transferred.

**BACKGROUND:**

On July 5, 2007, a road widening was dedicated to the Town for Wyecroft Road at nominal consideration, identified as Parts 2 and 3 on Plan 20R-17281. Part 2 was incorporated into Wyecroft Road at the time of the transfer and Part 3 is a one-foot reserve to control the access. The Lands are shown on Appendix "A" and the total area of the Lands is 33.4 square metres.

In March 2019, Halton Region approved Report PW-13-19, to upload Wyecroft Road between Bronte Road and Burloak Drive into the regional road system. The report directed the conveyance of the required lands to Halton Region to support the extension of the 40-metre alignment.

The current alignment for Wyecroft Road has resulted in the Lands no longer being required by Halton Region for the extension, so the Region would not accept ownership of the Lands when the remainder of this section of Wyecroft Road was transferred from the Town to the Region. The Region has confirmed they have no interest in the Lands and agreed that the Town can transfer the Lands back to the adjoining owner. The Town cannot make any use of the Lands, so they are surplus to the Town needs.

Part 2 on Plan 20R-17281 is considered open road allowance, and subject to the process for closing of a road prior to disposing of the lands. Notice of the proposed road closure under the Municipal Act, 2001 has been provided, permitting Council to pass the by-law to permanently stop up and close this portion of road. A copy of the road closing bylaw for Part 2 on Plan 20R-17281 is attached as Appendix "B".

**COMMENT/OPTIONS:**

The Town's practice for disposing of surplus lands is to require payment of fair market compensation for the lands. However, staff are recommending making an exception in this case because of the unique situation. There is no benefit to the Town in owning such a small parcel of land between a Regional Road and private lands since the Town can not make any use of the Lands, and retaining ownership could create unnecessary issues. Typically, when the Town considers selling a surplus portion of a road, the Town owns the rest of the road, so the surplus portion has some value as part of the larger parcel. That is not the case in this situation. Also, the Town received these lands as a road widening for no consideration, and normally when a road is turned over to the jurisdiction of the Region, the Town does not receive any compensation for the road lands being transferred.

The adjoining owner would like to put a driveway through the Lands to access Wyecroft Road, and Planning staff see a benefit to having the driveway in this location to line up with an internal roadway on the other side of Wyecroft Road. The Town will have to grant an easement to the owner to facilitate access in this

location, if the Lands remain under Town ownership. Therefore, staff are recommending transferring the Lands at nominal consideration to the adjoining owner.

The adjoining owner has offered to pay \$5,000 to the Town to cover the costs incurred by the Town to complete the disposition of the Lands. Staff are comfortable this amount will cover all the costs incurred by the Town to facilitate the disposition.

**CONSIDERATIONS:**

**(A) PUBLIC**

Notice of Intention to close the portion of the public highway has been provided to the public in accordance with the town policy and the Municipal Act, 2001. The adjoining landowner is in concurrence with this road closing by-law. This report will be available for public viewing via the town's website as per Town policy.

**(B) FINANCIAL**

The Owner will provide \$5,000 to the Town to cover the costs of disposition. The transfer of the Lands will occur at nominal consideration.

**(C) IMPACT ON OTHER DEPARTMENTS & USERS**

The Transportation and Engineering Department assisted in the preparation of this report.

**(D) COUNCIL STRATEGIC PRIORITIES**

This report addresses the corporate strategic goal to be the most livable town in Canada.

**(E) CLIMATE CHANGE/ACTION**

N/A

**APPENDICES:**

Appendix A – Location Map

Appendix B – Bylaw 2024-060

Prepared by:  
Ryan Maynard  
Assistant Town Solicitor

Prepared by:  
Vince Blosser  
Supervisor of Road Corridor  
Transportation & Engineering Dept.

Submitted by:  
Doug Carr  
Town Solicitor

Submitted by:  
Jill Stephen  
Director, Transportation & Engineering Dept.