



# Staff Report

## Legal Services

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**Report To:** Committee of the Whole  
**Meeting Date:** February 1, 2021  
**Report Number:** FAF.21.018  
**Subject:** Consent Application to bring forward right-of-way on title  
**Prepared by:** Will Thomson, Director of Legal Services

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### A. Recommendations

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THAT Council receive Staff Report FAF.21.018 entitled "Consent Application to bring forward right-of-way on title";

AND THAT Council direct the Director of Legal Services to execute, on behalf of the Town, the necessary documents to bring forward on Title existing Rights of Way on Town own land described as PLAN 1023 LOT 89.

### B. Overview

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This is a housekeeping matter to correct a Title document to properly identify an existing Right of Way.

### C. Background

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The Owner of Lots 77 and 78, shown on Plan 1023 (attached) are the beneficiaries of a Right of Way over Lot 89. Lot 89 is the Town owned lot to the West of the Beaver River and the Right of Way permits access over Lot 89 to Lots 77 and 78. The Right of Way was created in 1934 and further described in transfers in 1988 and 1989, the Right of Way is still existing and valid. When the properties were transferred from the old Registry system into the modern Land Titles System in 2009 the Right of Way was inadvertently not brought forward onto the new Parcel Register. This error was recently identified as the owner of Lot 77 and 78 is engaged in a sale process and would like to correct this error prior to sale.

### D. Analysis

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As mentioned, it is not unusual for valid instruments and interest in land to have been inadvertently left off the Parcel Register during transition. This does not invalidate the interest in land, which is defined by both the original creation and use of the interest in the land.

Simply put, this Right of Way is valid and existing, this is simply a housekeeping matter to properly describe the right of way.

It is Staff's recommendation that Council give direction to execute the necessary documents to include this interest on the Parcel Register, as the title will be made more accurate and clear, including the Town.

## **E. Strategic Priorities**

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### **1. Communications and Engagement**

We will enhance communications and engagement between Town Staff, Town residents and stakeholders.

## **F. Environmental Impacts**

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NA

## **G. Financial Impact**

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NA

## **H. In Consultation With**

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Shawn Everitt, CAO

## **I. Public Engagement**

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The topic of this Staff Report has not been subject to a Public Meeting and/or a Public Information Centre as neither a Public Meeting nor a Public Information Centre are required. Comments regarding this report should be submitted to Will Thomson, [wthomson@thebluemountains.ca](mailto:wthomson@thebluemountains.ca).

## **J. Attached**

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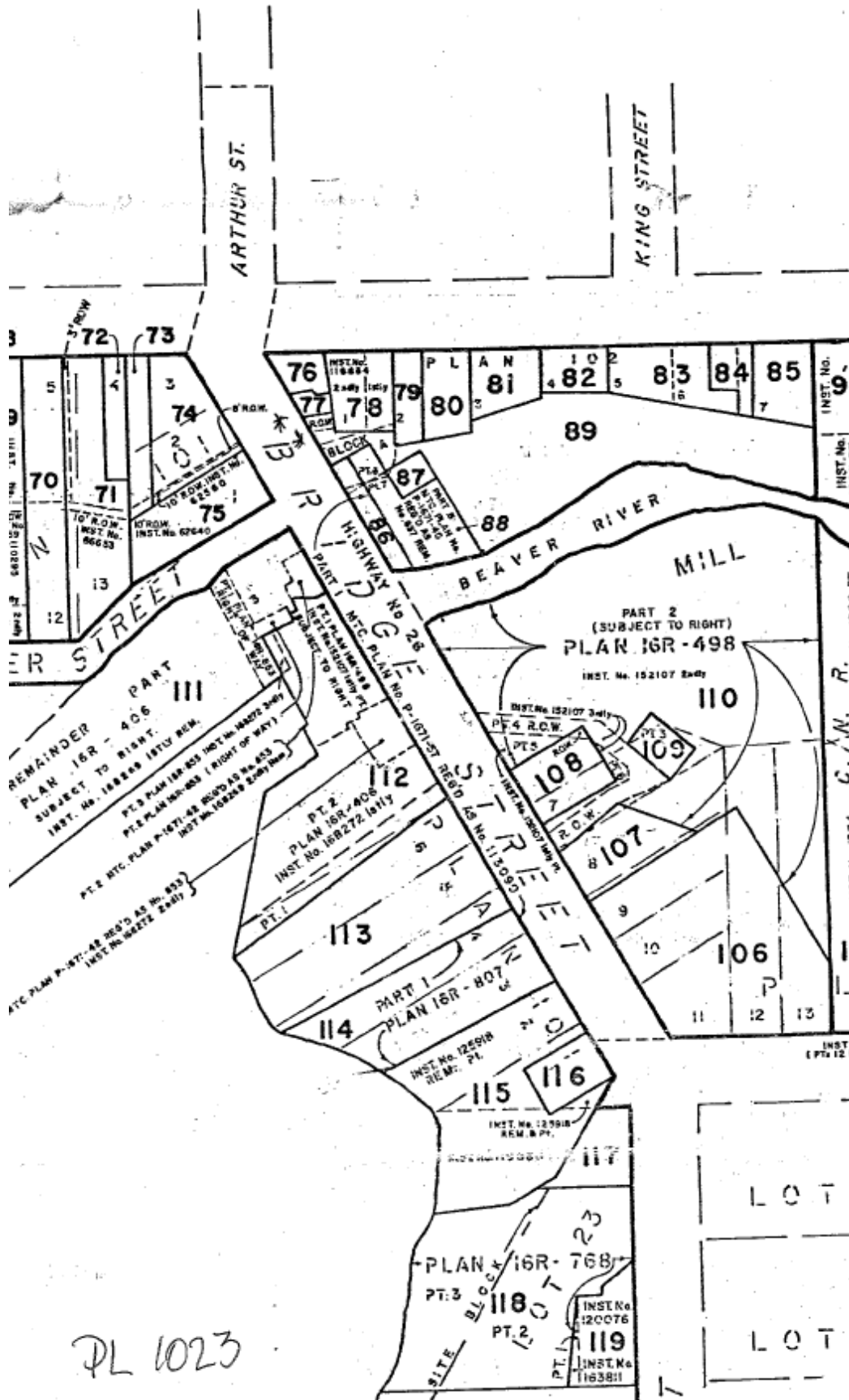
1. Part of Plan 1023
2. Aerial Map of Subject Property.

Respectfully submitted,

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Will Thomson  
Director of Legal Services

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RIGHT-OF-WAY OUTLINED IN YELLOW