



**Municipality of Brighton  
Committee of the Whole Meeting  
February 8, 2010**

**Report Title: Road Closure Request – Carolyn Sheehan  
Road Allowance between Lots 35 & 36, Concession “C”  
North of Stony Point Road South**

**Recommendation:**

That the Committee of the Whole receives this report as information.

**Background**

Carolyn Sheehan has requested that the Municipality agree to stop up and close the unopened road allowance between Lots 35 and 36 in Concession “C”, north of Stony Point Road South. The location of the subject road allowance is illustrated on the attached map.

Ms. Sheehan owns the properties on both sides of the unopened road allowance. The location map illustrates the lands owned by Ms. Sheehan. Ms Sheehan has been in discussion with the Planning Department regarding the possibility of development on the lands she owns in Part of Lot 36. While at a preliminary stage, the type of development being proposed is what is referred to as “resource based development” in the Provincial Policy Statement (PPS). The “resource” in this case is open water of Brighton Bay.

In addition to discussions with Municipal Staff, we convened a meeting with representatives of the Ministry of Energy and Infrastructure, the Ministry of Municipal Affairs and Housing and Lower Trent Conservation. Ms. Sheehan and her advisor explained in general terms the nature of development they hoped to achieve; a condominium type development with single unit and multi-unit buildings. The Agencies indicated that they had a number of concerns, including conformity with the PPS, the Growth Plan for the Greater Golden Horseshoe and servicing (sewer and water). Concerns were also raised about the appropriateness of adding a number of new residential units at the end of a “dead-end” road with no other access available.

Notwithstanding the concerns and issues that have been raised Ms. Sheehan is still interested in proceeding with the road closure. In addition to the “normal” municipal considerations with any road closure request; Sections 34(2) and Section 43 of the Municipal Act apply in this case.

Section 34(2) of the Municipal Act states:

A by-law permanently closing a highway shall not be passed without the consent of the Government of Canada if the highway,

(a) abuts on land, including land covered by water, owned by the Crown in right of Canada; or

(b) leads to or abuts on a bridge, wharf, dock, quay or other work owned by the Crown in right of Canada. 2006, c. 32, Sched. A, s. 18.

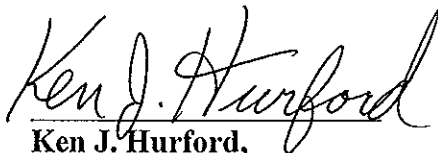
Section 43 of the Municipal Act states:

A municipality that permanently closes a highway shall not convey the land forming the highway if it is covered with water without the consent of the Ministry of Natural Resources. 2001, c. 25, s. 43.

The Road Allowance between Lots 35 and 36, Concession "C", north of Stony Point Road leads to water and in some areas appears to be covered with water. Municipal Staff have requested comments from the Provincial Ministry of Natural Resources regarding the request to close and sell this unopened road allowance.

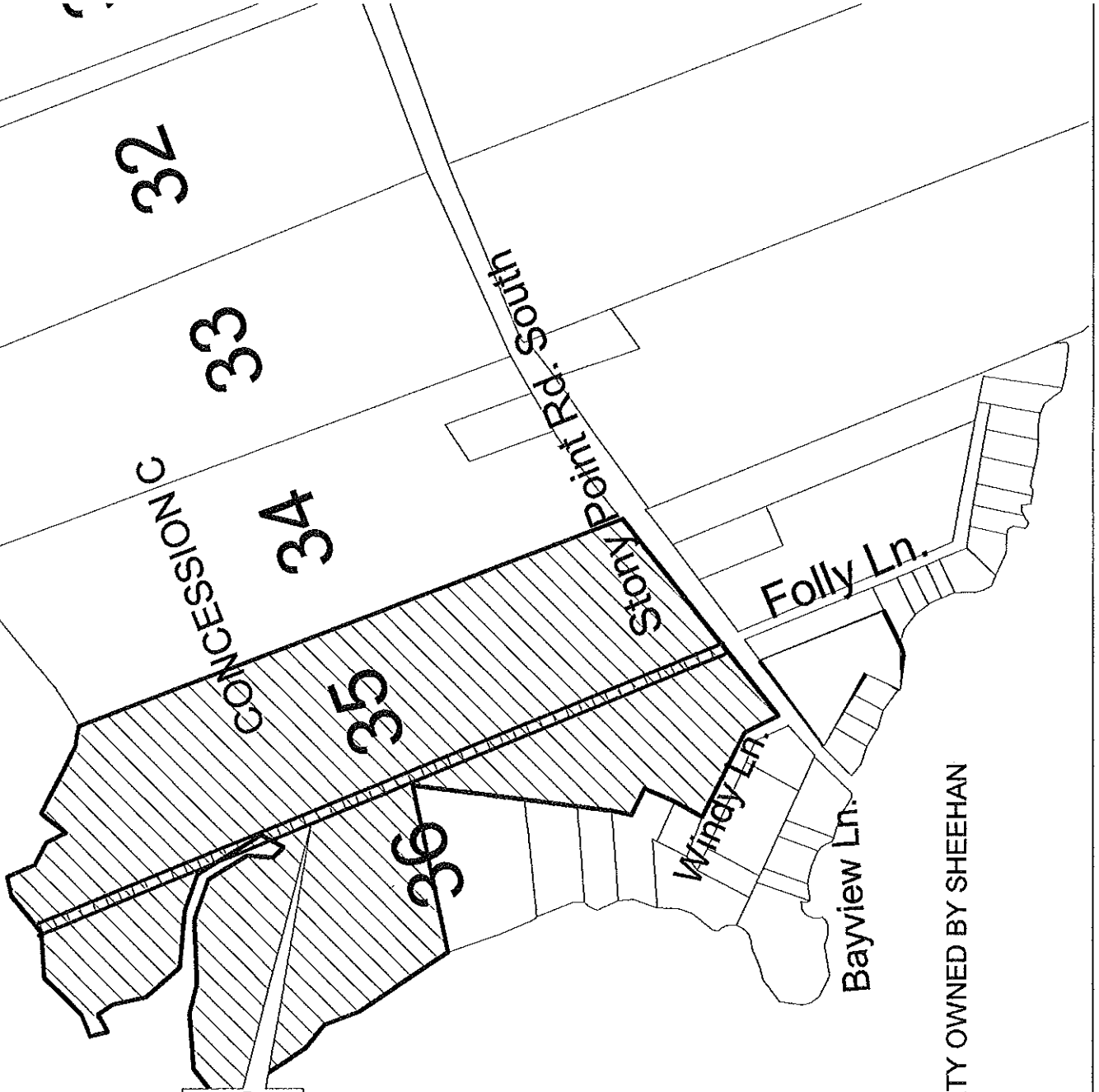
As of the date of preparation of this report we had not yet received any comments from the Ministry of Natural Resources. For this reason it is premature for any conclusions on this matter or for Staff to request direction. As soon as comments from the "Crown" have been received this matter will be brought forward to the Committee.

**Attachments:**



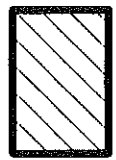
**Ken J. Hurford,  
Director of Planning &  
Development Services**

# ( Lake Ontario )



AREA OF PROPOSED  
CLOSURE OF UNOPENED  
ROAD ALLOWANCE

STONY  
POINT



PROPERTY OWNED BY SHEEHAN