

**TOWN OF
KIRKLAND LAKE**

POLICY

SECTION:	SUBJECT:	Pg. 1 of 1
PHYSICAL SERVICES	LEASING OF AND ENCROACHMENTS ONTO MUNICIPAL PROPERTY	DATE: May 5, 2015

1. APPLICATION

- a) This policy shall apply to the lease of or encroachment onto real property owned by the Corporation.

2. LEASING PROCEDURES

- a) Applications are to be submitted to the Department of Physical Services at the Town of Kirkland Lake. Application fees are regulated by the Town's User Fees By-law, which is subject to annual increases.
- b) All applications are to be circulated to internal departments and, in some cases, external agencies, listed on Schedule "A". The package circulated shall include:
- i. Mapping of the subject property including location, subdivision plan, survey (if any);
 - ii. Location of all public and private services;
 - iii. Lot area; and
 - iv. Applicants proposed plans for the property.
- c) All municipal lots, which are to be leased or encroached onto, are to be searched with the Master of Titles, Haileybury, Ontario and the cost for such search is to be borne by the prospective lessee.
- d) Council shall discourage leases and encroachments on laneways, road allowances or properties that are encumbered with public services, unless it is necessary under applicable law, such as the Building Code.
- e) Council shall discourage development (buildings, fences, storage, etc.) on leased land. If development is required, development on top of public services or within the angle of repose shall be prohibited.
- f) The application will be circulated to the Tax Department to determine whether there are any tax arrears or outstanding payments that would prohibit the lease/encroachment, as per the *Property Sales and Other Land Uses to Residents in Arrears Policy*.
- g) A discussion at the next in-camera Council meeting is scheduled once all correspondence has been received.
- h) If Council is favourable to the said lease/encroachment, Town staff shall provide public notice, containing the information and format as described on Schedule "B", prior to the presentation of such request to Council by circulating a letter to immediately abutting neighbouring property owners and posting on the Town's website.

- i) If Council is satisfied with the request, a By-law shall be passed by Council, in accordance with the Procedures for Giving Public Notice By-law, giving authority to the mayor and clerk to execute all documents related to the lease or encroachment on the said lands.
- j) Should Council deem it necessary, leases or encroachment agreements shall be registered on title at the expense of the lessee.

Approved By: Council

Date: May 5, 2015

Schedule “A”

CIRCULATION LIST – INTERNAL DEPARTMENTS

Supervisor of Building and Planning

Fire Chief

Chief Building Official

*Chair Person for Joint Health and Safety
Committee*

Engineer

Tax Collector

Clerk

Waterworks Foreman

Treasurer

Roads Foreman

Director of Economic Development

Director of Parks and Recreation

Director of Physical Services

Ontario Clean Water Agency

CIRCULATION LIST – EXTERNAL DEPARTMENTS

If utilities are present, please contact the appropriate utility company.

Schedule “B”

The notice of intent to lease/encroach shall include the following information:

1. The date on which a bylaw to lease/encroach the land will be considered;
2. Municipal address, legal description and/or location map which the Clerk deems sufficient to identify the lands;
3. The approximate size of the land by reference to dimensions and/or area, and a brief description of any buildings;
4. The proposed use of lands and/or reason for the lease/encroachment;
5. The general identification of the Lessee (e.g. adjacent land owner);
6. The date on which the land was declared surplus;
7. Information advising the public when and where additional information may be obtained and/or comments can be submitted for Council’s consideration.