



## **Part of Old Wanup Road, Wanup – Apply to be Registered Owner, Road Closure and Declaration of Surplus Land**

Presented To:	Planning Committee
Meeting Date:	February 6, 2023
Type:	Routine Management Reports
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Recommended by:	General Manager of Growth and Infrastructure
File Number:	N/A

## **Report Summary**

This report provides a recommendation for the City to apply to be registered as owner, to close and declare surplus part of the abandoned portion of the unopened road known as Old Wanup Road in Wanup.

## **Resolution**

THAT the City of Greater Sudbury apply to the Land Registry Office to be recorded as owner, close by by-law, and declares surplus to the City's needs the abandoned portion of the unopened road known as Old Wanup Road, Wanup, legally described as part of PIN 73470-0319(LT) being Parts 1 and 2 on Plan 53R-21681, part of Lot 5, Concession 3, Township of Dill, City of Greater Sudbury;

AND THAT the unopened road allowance be offered for sale to the abutting property owner to the west, pursuant to the procedures governing the sale of limited marketability surplus land in accordance with Property By-law 2008-174, as outlined in the report entitled "Part of Old Wanup Road, Wanup – Apply to be Registered Owner, Road Closure and Declaration of Surplus Land", from the General Manager of Corporate Services, presented at the Planning Committee meeting on February 6, 2023.

## **Relationship to the Strategic Plan, Health Impact Assessment and Community Energy & Emissions Plan (CEEP)**

This report refers to operational matters.

## **Financial Implications**

There are no financial implications associated with this report.

## Background

The subject unopened road allowance is irregular in shape, measures 10 meters by an average depth of 550 metres in size and is zoned RU - Rural. The location of the subject is identified on the attached Schedule 'A'.

The Ministry of Transportation (MTO), has received a letter from the law firm of Scarfone Hawkins, representing the owners of 943 Old Wanup Road, and the owners title insurer, FCT Insurance Company. The letter advised MTO of several encroachments and access issues over a portion of abandoned Old Wanup Road.

The records of the Land Titles Office shows that the land occupied by abandoned Old Wanup Road is located within a PIN owned by the MTO. However, as a result of the *Municipal Act, 2001*, the municipality has jurisdiction over and ownership of all roads within its jurisdictional limits. There are some City roads that are not registered in the City's name at the Land Registry Office, but to which title has vested with the City pursuant to the *Municipal Act, 2001*. These paper title issues are addressed from time to time as matters arise.

There is no legal process in place by which the City can 'release' its unregistered interest in the land or convey its unregistered interest to the owners of 943 Old Wanup Road.

In order to convey the abandoned road lands to the abutting owners to resolve their title issues, the City has to be shown as a registered owner of the land in the records of the Land Registry Office. This can be accomplished by the City making an application to the Land Registry Office to be recorded as the registered owner. If the application is successful, the City can then sell the land to the owners of 943 Old Wanup Road, to resolve their title issues. MTO supports the proposed scheme.

The City's roads staff has advised that the City has no interest or claim to the unopened road allowance, it is proposed that immediately after the City becomes the registered owner of the road allowance, the City would register a road closing by-law and offer the lands to the owners of 943 Old Wanup Road, in order to resolve the encroachment and access issues.

## Recommendation

It is recommended that staff apply to the Land Registry Office to be recorded as owner of the abandoned portion of the road know as Old Wanup Road, and that it be closed by by-law, declared surplus to the City's needs and offered for sale to the abutting property owner to the west.

If approved, a further report will follow with respect to the sale transaction.

## Resources Cited

1. Property By-law 2008-174  
<https://www.greatersudbury.ca/do-business/available-lands-and-buildings/general-procedures/bylaw-2008-174/>