



Council-In-Committee Meeting – November 15, 2023

Subject: Request for Conveyance of Bruce Street, Plan 19B, Waterford
Report Number: CS-23-162
Division: Corporate Services
Department: Realty Services
Ward: Ward 7
Purpose: For Decision

Recommendation(s):

THAT Staff Report CS-23-162, Request for Conveyance of Bruce Street, Plan 19B, Waterford, be received as information;

AND THAT Staff be directed to draft a Transfer to convey Bruce Street, lying north of the northerly limit of Russell Street, as laid out on Plan 19B, Waterford, being Part 2 on Reference Plan 37R-11406, for signature by the Mayor and Clerk;

AND THAT the Mayor and Clerk be authorized to sign all documentation relating to the Transfer of Bruce Street, lying north of the northerly limit of Russel Street, as laid out on Plan 19B, Waterford, being Part 2 on Reference Plan 37R-11406;

AND FURTHER THAT Council authorizes the Realty Services Specialist and/or designate to approve and present future Transfers, and related documentation similar in nature, directly to the Mayor and Clerk for signature.

Executive Summary:

The purpose of this report is to request Council's approval for the conveyance of Bruce Street, Plan 19B, Waterford, being Part 2 on Reference Plan 37R-11406, previously closed by By-Law 130 on September 17th, 1901, to rectify a previous title error and for the Realty Services Specialist and/or designate to present the necessary Transfer documentation directly to the Mayor and Clerk for signature for future occurrences of a similar nature.

Discussion:

On October 17th, 2023, Realty Services staff received a request from Mr. Chris Nunn, a solicitor with MHN Lawyers. Mr. Nunn acts for the property owners of a vacant parcel of land on Main Street North in Waterford, Norfolk County, as shown in red on the attached mapping. The property owners are in the midst of selling their property and

the process is somewhat stalled due to the revelation that the PIN for the property contains a portion of Bruce Street, to which no Transfer/Deed of Land from the Municipal Council of the Village of Waterford was ever registered.

Mr. Nunn advises, by way of a title search, that Bruce Street, lying north of the northerly limit of Russell Street, as laid out on Plan 19B, Waterford, Norfolk County, and as shown in yellow on the attached mapping, was stopped up and closed by the attached By-Law 130, dated September 17th, 1901 and registered as Instrument Number NR96921. At that time, and as stated in the By-Law, the property owner, known as Richard Seymour Robinson, owned all of the lands fronting on both the east and west side of that portion of Bruce Street. The By-Law notes that Mr. Robinson requested the By-Law be passed to stop up and close the Street.

Subsequently, Richard Seymour Robinson transferred the property, including that portion of Bruce Street, to Leo Lefler on September 1st, 1905, as Instrument Number NR105095 (attached). All subsequent Transfers to date have included this portion of Bruce Street.

At the time of the passing of By-Law 130, the next step in the process, which would have been a Transfer from the Municipal Council of the Village of Waterford to Richard Seymour Robinson, appears to have been inadvertently missed. Realty Services staff have completed their due diligence in completing an in depth title search of that portion of Bruce Street and adjacent lands back to the Crown Patent and can find no evidence of the intended Transfer of that portion of Bruce Street to Richard Seymour Robinson registered on title. Realty Staff are of the opinion that the intent was there to transfer that portion of Bruce Street to Richard Seymour Robinson following the passing of By-Law 130, however the conveyance step was unintentionally missed.

To rectify and expedite this matter to allow for the current property owners to proceed with the closing of their sale transaction, Realty Services staff are requesting approval to provide Mr. Nunn with a Transfer from Norfolk County for the portion of Bruce Street, Plan 19B, Waterford, being Part 2 on Reference Plan 37R-11406 (attached), as intended following the registration of the By-Law. This will clear up a longstanding title issue and support the original intent of By-Law 130.

Further, during Realty's investigation of this matter, staff note that an additional property owner is affected by this title issue (being Part 3 on Reference Plan 37R-11406). If approved under this report, staff will reach out to the additional property owner to work with their solicitor to clear up the title issue affecting their property under the delegated authority within this report.

Background on Property Conversion

During 2006/2007, the Province of Ontario completed the conversion of properties in Norfolk County from Land Registry to Land Titles. A parcel register was created for each individual property in the County and a Property Identification Number (PIN) was

assigned. Each individual PIN lists all of the registered documents pertaining to the property and identifies any outstanding interests that affect the property. However, some properties remain in the Registry system as “Non-Convert” PINs, as is the case of Mr. Nunn’s clients’ property. This means the Province has searched the records of the Land Registry Office and could not find any evidence as to the registration of a Transfer from the Municipal Council of the Village of Waterford to Richard Seymour Robinson conveying the portion of Bruce Street in question, resulting in the PIN remaining in the Registry system and indicating that the property owners do not have clear title.

Correcting this title issue will allow Mr. Nunn to upgrade his clients’ PINs to Land Titles providing concrete title and ownership to the property.

Going Forward

As above, staff outlined the conversion process that was undertaken by the Province of Ontario in 2006/2007 for properties in Norfolk County. This conversion process has identified hundreds of properties in Norfolk County that remain in the Registry system for a multitude of reasons. This becomes a considerable issue for property owners when they wish to go forward with a sale of their property and are stalled in the process when the County needs to rectify a situation similar to this by the unintended omission of the registration of a Transfer following the closure of a road, street, lane or alley by By-Law.

Given the time sensitive nature of real estate transactions in the private sector, and in order to streamline the County’s process, staff are requesting that Council authorize the Realty Services Specialist and/or designate to receive and review the requests for road closure Transfers subsequent to a By-Law being passed in situations similar in nature to that as outlined in this report, and to submit those Transfers directly to the Mayor and Clerk for signature without the need to present a report to Council each time a request is received. This will contribute to a faster and more efficient process for property owners when this situation is encountered in the future.

Financial Services Comments:

There are no financial implications associated with the recommendations made within this report.

Interdepartmental Implications:

None

Consultation(s):

Chief Administrative Officer
General Manager, Corporate Services
Treasurer/Director, Financial Management and Planning

Strategic Plan Linkage:

This report aligns with the 2022-2026 Council Strategic Priority Sustaining Norfolk - Creating a sustainable community and a positive legacy.

Explanation: Streamlining the process as outlined in the report contributes to the County's Strategic Plan including fiscal responsibility and financial sustainability.

Conclusion:

Authorizing the Transfer of the portion of Bruce Street lying north of the northerly limit of Russell Street, Plan 19B, Waterford, being Part 2 on Reference Plan 37R-11406, will rectify an omission from many years ago and will allow the current property owners to move forward with the sale of their property.

Providing authorization to the Realty Services Specialist and/or designate to receive and review the requests for similar situations as set out in this report, will assist property owners in moving forward with property sales in a timely manner as well as streamlining the process for the County.

Attachment(s):

- Mapping
- Instrument NR96921 (By-Law 130)
- Instrument NR105095 (Transfer)
- Reference Plan 37R-11406

Approval:

Approved By:
Al Meneses, CAO

Reviewed By:
Heidy VanDyk
General Manager, Corporate Services

Prepared By:
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Realty Services Specialist