



VILLAGE OF BELCARRA

CAO Verbal Report – Road Ends
Council Meeting – March 11, 2024



CAO Report – Road Ends – March 11, 2024

A waterfront road end that is 66ft wide cannot be subdivided. Section 75(1) of the *Land Title Act* requires all subdivisions to provide water access by highways 20m (approximately 66ft) wide to the adjacent body of water. Therefore, a 66ft wide road end cannot be further subdivided since it would not comply with the mandatory water access provisions of the *Land Title Act*. The 66ft wide road ends were dedicated on subdivision to satisfy the requirement for access to the inlet as required under the *Land Title Act*.

For reference, section 75(1) provides [emphasis added]:

Requirements for subdivisions

75 (1)A subdivision must comply with the following, and all other, requirements in this Part:

...

(c)if the land subdivided borders on

(i)a body of water, the bed of which is owned by the Crown,

(ii)the boundary of a strip of land established as the boundary of a water reservoir, where the strip of land and reservoir are owned by the Crown, or

(iii)a strip of Crown land 20 m or less in width contiguous to a natural boundary as defined in the *Land Act*,

access must be given by highways 20 m wide to the body of water

and to the strips at distances not greater than 200 m between

centre lines, or, in a rural area where the parcels into which the

land is subdivided all exceed 0.5 ha, at distances not greater than

400 m between centre lines;

The absence of road ends policies in the OCP does not preclude the Village from creating a standalone road ends policy in the future. The legal effect of an OCP is that it requires all future bylaws and works undertaken by Council to be consistent with the plan: s. 478(2) of the *Local Government Act*. It would be highly impractical for the OCP to have to contemplate every single policy area in order for Council to take action on an item. While bylaws and works must be consistent with the plan, if the plan is silent on an area (in this case the road ends) then there is no risk of inconsistency.