



The Corporation of the Town of LaSalle

To: Mayor and Members of Council
Prepared by: Domenic Dadalt, Legal Counsel
Department: Administration
Date of Report: September 13, 2019
Report Number: AD-11-19
Subject: Alley O5 Review – Gladwin, Quick, Centre & Wales Alley

Recommendation

That the report of the Legal Counsel of LaSalle dated September 13, 2019 (AD-11-19) regarding the proposed closure and distribution of Alley O5 be approved, that Council deny the review requests regarding the same alley.

Report

As Council is aware, options for a new alley closing program were presented in April of this year. In order to implement the program, Council adopted a new policy in May of this year, a copy of which is attached as Attachment 1.

Pursuant to the policy, the location of structures and/or utilities will play a role in the disposition of the alley. Therefore, the first step in the process is to have a survey completed to identify all of the encumbrances located in the alley. Attached to this report as Attachment 2 is a copy of the plan of survey that was completed for this alley on July 5, 2019. The property owner requesting a review of the alley distribution is the owner of Lots 122-125, both inclusive, on the plan. Accordingly, this report will focus on the portions of the alley abutting that specific property rather than the alleyway portions to the west and south of the subject property, all of whom accepted the proposed distribution.

On review of the plan, a number of fences encumber this area of the alley. Three of the five abutting properties have enclosed the entirety of the alley with a fence. The remaining two abutting properties have a fence approximately at the midway point of the alley. In accordance with the policy, all of the alley has been offered to the lots that have fully fenced the alley in.

On July 18, a letter was sent to each property owner indicating what portion of the alley was being offered. Attached to this report as Attachment 3 is a copy of the plan of survey indicating Administration's proposed distribution of the alley. In accordance with the policy, the owners were also advised that in the event they were not satisfied with Administration's decision, they could file a request for review before Council. The last day to file an appeal was August 8. One property owner did file an appeal on or before the last day. All other property owners agreed to take title of the proposed allocation to them by Administration. In preparation of this report, we asked the property owner requesting a review to submit his/her detailed reasons for the request. That submission is attached here as Attachment 4.

Administration has had an opportunity to review the submission and advises Council that there are no substantive arguments being put forward that would alter the original recommendation, which follows the alley closing policy. With respect to the timing of the alley closing request, this was submitted February 19, 2019. A copy of the alley closing request is attached here as Attachment 5. From September, 2018 until April, 2019, all alley closing requests were "on hold" until the new program was determined and adopted by Council. Even under the prior alley closing policy, Administration reviewed all alley closing requests prior to stating whether or not a property owner would be entitled to a portion of the alleyway. There would be no guarantees of any amount of alleyway provided to an applicant at the submission stage.

With respect to the approved building permit, the permit application was submitted showing incorrect dimensions, adding the 7 feet of alley to both the side yard and rear yard, showing a depth of 117 feet and a rear yard width of 127 feet. Although the building permit was issued based on the dimensions as shown on the site plan submitted, the proper dimensions of 110 feet of depth and 120 feet of rear yard width would not contravene the setbacks as set out in the zoning bylaw for the dwelling and attached garage

The future pool is not covered by the building permit, as the permit is issued only with respect to the house. The lot grading sheet submitted does not make any reference to a pool, nor does it show the alley as a part of the applicant's property. However, there is space in the rear yard for the future pool to be located 7 feet closer to the house and comply with lot line requirements.

With respect to the lack of "permanent" structures in the alley, fencing is one of the aspects that Administration considers under the policy when determining how an alley is to be distributed. Our objective is not to set the precedent of moving fences that are already in place. In addition to the fencing, one of the abutting landowners has indicated to Administration that the property in the alley has been fenced in since possession was taken in the late 1980s. Within this area along the current fence sits a garden of great

sentimental value to the owner, containing a bush received following the passing of the property owner's father as well as a memorial to family pets.

Therefore, we recommend that the alley distribution remain as shown on Attachment 3, and that the surveyor be instructed to finalize the Reference Plan, allowing Administration to complete the necessary transfer documents.

Consultations

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Financial Implications

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Prepared By:

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Legal Counsel

Domenic Dadalt

Link to Strategic Priorities

	Expanding and diversifying our assessment base
	Effectively communicating the activities and interests of the Town
	Managing our human and financial resources in a responsible manner
	Promoting and marketing LaSalle
	Promote a healthy and environmentally conscious community

Communications

Yes	Not applicable
	Website
	Social Media
	News Release
	Local Newspaper
	Bids & Tenders
	Notification pursuant to the Planning Act

Notifications

Name	Address	Email
Rick Furtado	235 Vermont St	
Diane Gibb	1170 Centre Ave	
Brian & Karen Camlis	1180 Centre Ave	
William & Gaye-Dawn Burleigh	6173 Quick Ave	
Danny Hess	6175 Quick Ave	
Walter & Jo-Ann Langlois	6185 Quick Ave	

Report Approval Details

Document Title:	AD-11-19 - Alley O5 Review - Gladwin Quick Centre Wales.docx
Attachments:	<ul style="list-style-type: none">- Closing-and-Sale-of-Alleys-Policy.pdf- draft survey O5.pdf- Survey re Distribution.pdf- Furtado Review Request.pdf- Furtado - Alley Closing Request.pdf
Final Approval Date:	Sep 18, 2019

This report and all of its attachments were approved and signed as outlined below:



Director, Development and
Strategic Initiatives

Larry Silani



Deputy Clerk

Kevin Miller

A handwritten signature in black ink, appearing to read 'Joe Milicia', with a stylized, cursive script.

Chief Administrative Officer

Joe Milicia