

Taxpayers Fight an Egregious By-Law passed by Tay Valley Township

In negotiation one party is sometimes forced into a dreadful corner, and then offered a "reasonable compromise", one which would be considered quite unacceptable in other circumstances. Tay Valley Township appears to be doing this with all the taxpayers who own property on unassumed roads. Many are elderly, or seasonal cottagers who provide a significant low-cost tax base. Some yearn to build their dream home in the country.

An "Unassumed Road" is a public road owned by the Township but maintained by the property owners along the road – a situation common to many cottage roads in Ontario.

In March 2023 Tay Valley Township in Lanark County passed an unprecedented by-law which requires property owners on any "unassumed" road to sign an egregious "Agreement" before being allowed to build on or "use" their property, thus removing long-standing rights. The proposed "agreement" binds the property owner to indemnify the Township; install and maintain signage, take out commercial general liability insurance against incidents on the road, insure against use of unowned vehicles, meet stringent Township requirements for maintenance and many other clauses; and then register the agreement in perpetuity on title for the property! And when the first applicant for a building permit takes out the required insurance to cover the entire road, then subsequent applicants on that road are let off the hook! Attempts to negotiate the terms of this "agreement" have been flatly rejected by TVT. Its terms have never been reviewed by Council.

This injustice affects over 300 property owners in the Township. If enacted it would effectively halt any development, increase owners' costs, and reduce property values. It has already caused considerable grief and anxiety. Over 60 people objected to the by-law at a Public Meeting prior to adoption of the by-law. All their points were ignored. Over 80 people are now Participants in the case before the Ontario Land Tribunal, an unprecedented number. If TVT succeeds in defending its actions and enacting this by-law, other municipalities in Ontario may follow suit to the detriment of their taxpayers and citizens. Adding insult to injury,

we now have to raise funds to fight those who are using our taxes to defend their position.

This by-law was proposed as a first step towards solving the thorny issue of unassumed roads, many of which date from subdivision agreements and development in the 1980's or earlier. The problem of unassumed roads is not new. I was a lay member of the Unassumed Roads Working Group at Tay Valley for several years, but our group's recommendations were ignored.

A public consultative process is needed, not coercion. The by-law we are now challenging is a heavy-handed attempt by TVT to "solve" the issue of unassumed roads. We are calling for a fair, constructive, and cooperative effort to work with the property owners without threats of withholding building permits or requiring an egregious "agreement" to "use" their properties. Threats or duress achieve nothing. All of the possible solutions require much more than majority approval. This is not achieved by coercion. The people should not be punished with an unjust by-law, then offered crumbs of solace!

More background may be found at <https://lsrl.ca/municipal-affairs/>
The full text of this letter is here: <https://lsrl.ca/olt-appeal/>
A GoFundMe campaign to defray fees: <https://gofund.me/99942347>
To be included on our mailing list, please contact president@lsrl.ca.

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