



City of Kingston

Ontario

By-Law Number 91-272

**A By-Law To Authorize The Adoption Of A Policy
With Regard To The Maintenance And Closure Of
Laneways And Road Allowances**

Passed: August 27, 1991

As Amended by:

(Office Consolidation)

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Whereas there are provisions in the *Municipal Act*, R.S.O. 1980, Chapter 302, and the *Registry Act*, R.S.O. 1980, Chapter 445, for the closure and disposition of laneways and unopened road allowances; and

Whereas a number of requests for closure of laneways and former road allowances are received annually for consideration of Council; and

Whereas it is desirable to establish a policy to provide a system for detailed consideration of these individual applications;

Now Therefore the Council of The Corporation of the City of Kingston hereby enacts as follows:

1. The Policy for the Maintenance and Closure of Laneways and Road Allowances, as set out in **Schedule "A"** attached to this By-Law, is hereby adopted by The Corporation of the City of Kingston.
2. This By-Law shall come into force and take effect on its passing.

(By-Law Number 91-272 - 1991)

Schedule "A"

Maintenance And Closure Of Laneways And Road Allowances

That the following policy with respect to the maintenance and closure of City owned laneways and former road allowances be approved as a system for detailed consideration on individual applications:

1. The procedure for closing and conveying unopened road allowances and laneways shall be pursuant to the provisions of the *Municipal Act* and the *Registry Act*, and shall be by By-Law and Judge's Order.
2. Lanes and unopened road allowances shall be considered for closure only when requests are received, and only on receipt of consent signed by all abutting property owners.
3. That the assumption of maintenance of those lanes currently being maintained by the City, as set out on **Appendix "I"** hereto, be confirmed, and that maintenance continue.
4. That no additional City owned lanes be maintained unless they meet one of the following Use Classifications and all of the following Physical Conditions:

A. Use Classifications

Class 1: Lanes which provide sole vehicular access to property fronting on the lanes.

Class 2: Lanes which provide direct pedestrian and/or vehicular access to and from residential communities, recreation areas, bus routes, schools, churches and other public uses, or as a link between dead end streets for emergency and pedestrian purposes only.

B. Physical Conditions

1. Through lanes.
2. Clear to their full width, the abutting property owners being responsible for removing any private encumbrances such as fences, gardens, etc.
3. The existing configuration, construction and drainage pattern of the lanes is satisfactory to the Commissioner of Works.
4. Parking is prohibited.

Schedule A (cont'd)

5. When a petition for closure is received, a land use evaluation of the lane or unopened road allowance shall be conducted to determine, from a planning point of view, the merit of the request, and Council shall be advised of any municipal purpose for the lane, for example, easements, etc.
6. Abutting property owners shall be responsible for all costs involved in closure of a lane or unopened road allowance, including, but not necessarily limited to, advertising, court costs, survey and appraisal. Total costs shall be apportioned among the property owners who petition the City and who receive a conveyance of land.
7. Notwithstanding the provisions of Section 6 hereof, Council may consider waiving some or all of the costs involved in closure of a lane or road allowance when an application is made to correct a title defect. In such cases, Council may consider a conveyance for disbursements incurred by the City or reduced market value for the land.
8. For any lanes not currently being maintained by the City, which do conform to the Use Classifications and the Physical Conditions, maintenance shall be considered only on receipt of a petition to maintain from all of the abutting property owners.

Prior to assuming maintenance of any lane referred to in this Section, Council shall be satisfied with the costs to be assumed for maintenance, as determined by the Commissioner of Works, and shall be satisfied that it would be impractical or otherwise for the abutting property owners who wish to use the lane to maintain it.

9. Prior to closure or assumption of maintenance on any lane or unopened road allowance, ownership of the property involved shall be confirmed by the City Solicitor.
10. The policies for laneways in the City's Official Plan shall be taken into consideration during deliberations for closure or maintenance of any laneway in the Central Business System - Lower Princess Street Commercial Core.

(By-Law Number 91-272 - 1991)

Appendix "I"

Laneways Maintained By The City Of Kingston

1. Laneway lying between 130 King Street East & 55 West Street.
2. Laneway lying between 55 Clergy Street East & 242 Johnson Street; and 76 & 86 Sydenham Street.
3. Laneway lying between 71 Clergy Street East & St. Mary's School; and 228 Brock Street & 122 Sydenham Street.
4. Laneway lying between 52 & 54 Clergy Street East; and 292 Johnson Street & 251 Barrie Street.

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