Subject: Conveyance of Daffodil Drive and Daisy Court  
Report Number: DCS 20-04  
Author: Cephas Panschow, Development Commissioner  
Meeting Type: Council Meeting  
Meeting Date: Tuesday, April 14, 2020

RECOMMENDATION
THAT Council receive Report DCS 20-04 Conveyance of Daffodil Drive and Daisy Court;  
AND THAT public roads, Daffodil Drive, described on Plan 41M-155, and Daisy Court, described on Plan 41M-155, be closed;  
AND THAT a by-law be brought forward authorizing the Mayor and Clerk to execute all documents necessary to transfer the properties known as Daffodil Drive and Daisy Court, Plan 41M-155.

BACKGROUND
The public roadways known as Daffodil Drive and Daisy Court were created with the registration of Plan 41M-155 (see Appendix A) on July 11, 1997. Following registration, a plan of subdivision becomes official and the municipality, upon completion of the roadways and the passing of a bylaw, assumes the public roads created. Based on assessment roll information, these roadways have been owned by the Town since it was transferred to the Town from the developer in 1997.

The property is located on the west side of Quarter Town Line between Trillium Drive and South Ridge Road.

Despite the property being registered as a Plan of Subdivision, no development of the property has taken place to date. The property has recently been acquired by 2563557 Ontario Inc, which is the same company that has developed the Simply 360 Living condominium townhouse development on the east side of Quarter Town Line.

Since the property was first planned to be developed in the 1990s, market conditions and demand have changed quite substantially and the developer has adjusted the development plan for the property in order to meet current market needs. The new development plan proposes to eliminate the municipal roadways and instead create private condominium roadways.
DISCUSSION

The developer submitted their official request to have the Town transfer the public roadways back to them on October 29, 2019. Since then, a number of meetings and design concepts have been reviewed and revised by the Town’s Engineering Department with the below concept being agreed upon by both the Town and the developer.

The Daffodil Drive and Daisy Court future roads are shown on the above map in blue. These are the lands that would be transferred back to the developer. The red outlines the proposed private condominium road network.

The proposed conveyance back to the developer provides a number of benefits:
• Reduced service requirements for the Town in terms of future maintenance and rehabilitation;
• Elimination of a roadway access point into a school zone on South Ridge Avenue while maintaining pedestrian access;
• Elimination of roadways in an area already surrounded by secondary roadways; etc.

The proposed conveyance will also provide for dual access into a private development with access points onto both Quarter Town Line and Trillium Drive, while not providing a throughway for other traffic. The proposed driveway onto Quarter Town Line is also aligned with the driveway access for the Simply 360 Living condominium development.

CONSULTATION

In 2018, the Town received advice from Duncan, Linton LLP regarding the conveyance of lands obtained by the municipality under Planning Act provisions back to a property owner/developer. They advised that there is no prohibition nor direct authorization in the Planning Act for the Town to re-convey the lands back to the developer upon determination that the lands are no longer required. However, it is permitted by the Planning Act and there is nothing improper with such a re-conveyance. Further, this conveyance is different and outside of the scope of the Town’s Sale of Real Property bylaw.

Duncan, Linton LLP did advise that the Town may consider making an explicit statement within the authorizing bylaw that the re-conveyance for nominal consideration is being made pursuant to the provisions of the Planning Act and that the Town’s Sale of Real Property Bylaw does not apply to the transaction.

The proposed private road network has been developed in consulting with the Town’s Engineering Department and has been approved by them.

FINANCIAL IMPACT/FUNDING SOURCE

No financial impact is anticipated. Staff is recommending that the land be returned to the developer at the cost of $1 with the developer being responsible for all costs necessary to effect the transfer of the property.
COMMUNITY STRATEGIC PLAN (CSP) LINKAGE

1. Excellence in Local Government
   ☐ Demonstrate strong leadership in Town initiatives
   ☐ Streamline communication and effectively collaborate within local government
   ☐ Demonstrate accountability

2. Economic Sustainability
   ☒ Support new and existing businesses and provide a variety of employment opportunities
   ☐ Provide diverse retail services in the downtown core
   ☐ Provide appropriate education and training opportunities in line with Tillsonburg’s economy

3. Demographic Balance
   ☒ Make Tillsonburg an attractive place to live for youth and young professionals
   ☒ Provide opportunities for families to thrive
   ☐ Support the aging population and an active senior citizenship

4. Culture and Community
   ☒ Promote Tillsonburg as a unique and welcoming community
   ☐ Provide a variety of leisure and cultural opportunities to suit all interests
   ☐ Improve mobility and promote environmentally sustainable living
Appendix A – Plan of Subdivision 41M-155
Report Approval Details

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<td>Attachments:</td>
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<td>Final Approval Date:</td>
<td>Apr 8, 2020</td>
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This report and all of its attachments were approved and signed as outlined below:

**No Signature - Task assigned to Kyle Pratt was completed by workflow administrator Michelle Smibert**

**Kyle Pratt - Apr 8, 2020 - 11:38 AM**