



Subject: Delegated Authority to Execute Acknowledgement and Direction for Land Registrar Application

Report Number: OPD 053

Department: Operations and Development Department

Submitted by: Leo Ferreira, Manager of Engineering

Meeting Type: Council Meeting

Meeting Date: Monday, September 9, 2024

RECOMMENDATION

- A. THAT report OPD 24-053 titled “Delegated Authority to Execute Acknowledgement and Direction for Land Registrar Application (General)” be received as information;
- B. THAT Explanatory Letter by Duncan, Linton LLP be received as information;
- C. THAT executed “Encroachment Agreement – 500 Highway 3 Access from Newell Road” be received as information;
- D. THAT Town Council delegate the Director of Operations and Development authority to execute Acknowledgement and Direction for Land Registrar Application (General); and
- E. THAT Town Council direct the Director of Operations and Development to execute same for parcel bearing PIN 00025-0135 (LT).

BACKGROUND

Pursuant to Council Resolution # 2024-266, the Town executed an Encroachment Agreement with E&E McLaughlin Ltd., later discovering that said agreement could not be registered, see attached Explanatory Letter by Duncan, Linton LLP.

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13.6.1 OPD-24-033 Encroachment Agreement - 500 Highway 3 Access from Newell Road

Resolution # 2024-266

Moved By: Councillor Luciani
Seconded By: Councillor Spencer

- A. THAT report OPD 24-033 titled "Encroachment Agreement - 500 Highway 3 Access from Newell Road" be received as information; and
- B. THAT Town Council direct the Director of Operations and Development to execute an Encroachment Agreement between THE CORPORATION OF THE TOWN OF TILLSONBURG and E&E McLaughlin Ltd.

Carried

DISCUSSION

In order to register the Encroachment Agreement, the Town must first update the parcel register to identify itself as the relevant authority having jurisdiction.

The uniqueness of this circumstance means that neither Staff nor the Mayor currently have delegated authority to execute the Acknowledgement and Direction document required to facilitate this application and complete the registration; Staff recommends that such authority be delegated to the Director of Operations and Development as is already the case for the subject Encroachment Agreement and current process/practices.

CONSULTATION

External: Town Solicitor

Internal: Director of Operations and Development, Manager of Engineering, Director of Corporate Services / Clerk

FINANCIAL IMPACT/FUNDING SOURCE

Legal costs for the undertaking of this matter.

CORPORATE GOALS

- Lifestyle and amenities
- Customer service, communication and engagement
- Business attraction, retention and expansion
- Community growth
- Connectivity and transportation

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Not Applicable

Does this report relate to a specific strategic direction or project identified in the Community Strategic Plan? Please indicate section number and/or any priority projects identified in the plan.

Goal – Tillsonburg residents and businesses will be connected to each other, regional networks, and the world through effective traditional and digital infrastructure.

Strategic Direction – N/A

Priority Project – *Short Term* - Transportation Master Plan

ATTACHMENTS

Appendix A – Ferreira It - July 19, 2024.pdf

Appendix B – AD - Tillsonburg (Newell PAHJ) – Graham.pdf

Appendix C – CO298346-Notice - Encroachment Agreement.pdf