



Hastings Highlands

Beautiful By Nature

Schedule "A" to Bylaw 2025-067

Municipality of Hastings Highlands- Corporate Policies and Procedures			
DEPARTMENT: Planning			POLICY #:
POLICY: Unopened Road Allowance Policy			
DATE: December 17, 2025	REV. DATE:	COVERAGE: Members of Council, Staff, and Public	PAGE #: 1-12

1.0 Policy Statement

The Council of the Corporation of the Municipality of Hastings Highlands will generally refuse to permit any person to open any unopened road allowance within the Municipality by way of a trail, driveway, or road capable of being used by any motor vehicle whatsoever.

2.0 Purpose

The purpose of this policy is to protect the Municipality from liability claims by persons using Unopened Shore Road Allowances and Unopened Road Allowances and from demands that such Unopened Road Allowances be improved and maintained at the expense of the general ratepayers of the Municipality.

3.0 Objectives

- 3.1 To establish general policies on the use or improvement of Unopened Road Allowances;
- 3.2 To ensure the application of key criteria to determine the validity and appropriateness of requests to use or improve an Unopened Road Allowance; and
- 3.3 To provide clear and consistent processes for Applications.

4.0 Scope

- 4.1 This policy applies to municipally-owned Unopened Shore Road Allowances and Unopened Road Allowances within the Municipality of Hastings Highlands.

5.0 Definitions

- 5.1 “Applicant”** shall mean a person or entity that has pre-consulted or submitted an Application for an Improved Road Allowance.
- 5.2 “Application”** shall mean a request to improve or maintain a portion of the Improved Road Allowance, including the process for entering into an Agreement.
- 5.3 “Bylaw Enforcement Officer”** means the employee of the Municipality employed to regulate and enforce the bylaws of the Municipality.
- 5.4 “Council”** shall mean the Council of the Corporation of the Municipality of Hastings Highlands.
- 5.5 “Development”** shall mean the construction, erection, or placing of a building or structure of any kind or the making of an addition or alteration to a building or structure that has the effect of increasing the size or usability thereof, and includes such related activities as site grading and the placing or dumping of fill and/or any other operations that disrupt the natural environment in, on, over or under land or water.
- 5.6 “Improved Road Allowance”** shall mean the portion of an Unopened Road Allowance where the Applicant is proposing to improve and maintain, including the construction of a Public Unassumed Privately-Maintained Driveway.
- 5.7 “Municipal Planner”** shall mean the Municipal Planner of the Municipality, as designated by the Chief Administrative Officer of the Municipality.
- 5.8 “Municipality”** shall mean the Corporation of the Municipality of Hastings Highlands.
- 5.9 “Public Unassumed Privately-Maintained Driveway”** shall mean a driveway located on Municipal land, including an Unopened Shore Road Allowance and an Unopened Road Allowance, that has not been assumed by the Municipality for maintenance purposes and generally has not been brought up to municipal standards and is maintained by a private individual, organization, or company rather than the Municipality.
- 5.10 “Road”** shall mean a road that is owned, managed, or maintained by the Municipality, a Public Unassumed Privately-Maintained Driveway, or a private road.

- 5.11 “Site alteration”** shall mean activities, such as grading, excavation and the placement of fill that would change the landform and natural vegetative characteristics of a site.
- 5.12 “Unopened Shore Road Allowance”** shall mean a shore road allowance that is not opened or unassumed by the Municipality.
- 5.13 “Unopened Road Allowance”** shall mean a road allowance that is not opened or assumed by the Municipality, and shall include an Unopened Shore Road Allowance.
- 5.14 “Work”** shall mean, but is not limited to, any Development, site alteration or site disturbance, excavation, engineering investigation, or the installation, removal, construction, maintenance, repair, replacement, relocation or adjustment of any structure or infrastructure.

6.0 General Provisions

- 6.1** Work is not permitted on an Unopened Road Allowance.
- 6.1.1** Notwithstanding Section 6.1 above, trails built and maintained by organizations such as the Ontario Federation of Snowmobile Clubs, ATV clubs, or similar may be permitted. Any such clubs or organizations shall be required to name the Municipality as an additional insured on their respective insurance policies to the satisfaction of the Chief Administrative Officer (CAO), in consultation with internal Departments, the Municipal lawyer, and other respective parties.
- 6.2** No person shall erect a dock or any kind of structure on an Unopened Road Allowance leading to water.
- 6.3** No person shall store, park or leave unattended any vehicle, boat, trailer, or other equipment on an Unopened Road Allowance.
- 6.4** No person shall perform any Work, including removing or placing any trees, soil or other material, on any Unopened Road Allowance without obtaining permission from Council of the Corporation of the Municipality of Hastings Highlands in advance of commencing any such Work.
- 6.4.1** Notwithstanding Section 6.4 above, alteration or removal of natural vegetation due to concern of diseased or dangerous trees may be permitted in accordance with Section 5.9.3 of the Municipality's Comprehensive Zoning Bylaw, subject to the discretion of the Bylaw Enforcement Officer.

7.0 Criteria for the Improvement or Maintenance of Unopened Road Allowances

7.1 Generally, requests to improve or maintain an Unopened Shore Road Allowance are discouraged in order to protect waterbodies and watercourses from the potential negative impact of development and site alteration within 30 metres of a waterbody or watercourse. In the rare case that an Application to improve or maintain an Unopened Shore Road Allowance may be deemed appropriate, the remainder of this Policy shall apply to the Unopened Shore Road Allowance.

7.2 Application Criteria

7.2.1 Council may permit the improvement and maintenance of an Unopened Road Allowance, where each of the following criteria are met:

- a) The distance to be traveled along the Unopened Road Allowance is generally less than 50 metres (165 ft.).
- b) The number of property owners who could access the section of Unopened Road Allowance to be used is very limited.
- c) Each of the property owners who could access the section of Unopened Road Allowance to be used enters into an Agreement with the Municipality to clarify the Municipality will not provide any maintenance or future improvement of the road allowance by the Municipality and protecting the Municipality from liability claims of users of the driveway. These property owners will pay the full legal costs of the Municipality associated with this Agreement.
- d) The boundaries of the portion of the Improved Road Allowance to be used are marked by an Ontario Land Surveyor at the expense of the Applicant, prior to the commencement of any Work to avoid trespassing on neighbouring lands.
- e) The improvement will not establish a gate, barrier or other obstacle that will prevent or hinder public access to the Improved Road Allowance.
- f) The improvement includes erecting signs posted "Unopened Road Allowance Not Assumed or Maintained by the Municipality, No Exit".

- g) The Work includes a turning circle to be constructed at the end of the Public Unassumed Privately-Maintained Driveway, by the Applicants, on the Improved Road Allowance to the satisfaction of the Operations Manager or designate.
- h) No Work shall occur over lands that are zoned Environmental Protection (EP) in the Municipality's Comprehensive Zoning Bylaw;
- i) Any Work shall adhere to requirements from the Federal and Provincial Governments; and
- j) Any Work shall adhere to the policies of the Official Plan of the County of Hastings and any applicable bylaw with respect to development of private roads and the construction standards and guidelines for use and construction of private roads.

8.0 Procedures

8.1 Pre-Consultation

8.1.1 Prior to the submission of an Application, the Applicant shall consult with the Municipality by providing the following:

- a) Information and material submitted on or with the applicable Pre-Consultation Form, as amended, to the satisfaction of the Municipal Planner; and
- b) A plan of the Applicant's property and the proposed Improved Road Allowance clearly indicating with reasonable accuracy the following:
 - i) The location of the proposed Improved Road Allowance; and
 - ii) Lot lines and dimensions of the Unopened Road Allowance and the Applicant's property.

8.1.2 The Pre-Consultation will review the proposed request for any obvious impediments and provide an opportunity for the Municipality to review prior to an Application submission.

8.1.3 The Municipal Planner may consult with Municipal Departments, other persons, or agencies as deemed necessary in their review of the Pre-Consultation Form and plan of the Improvements. The Planning Department may review the proposed request with any other internal department, qualified professionals, the County of

Hastings, or agency as deemed necessary. Any costs associated with the review of the proposed request will be borne by the Applicants.

- 8.1.4** A site visit of the Unopened Road Allowance may be conducted if deemed necessary by the Municipal Planner.

8.2 Application Submission

8.2.1 After the Pre-Consultation has been conducted and reviewed by the Municipal staff, the Applicant shall receive direction from the Municipality to guide the Application. The Application shall include the following:

- a) The Application form as prescribed and provided by the Municipal Planner, which may be amended from time to time;
- b) The Agent Authorization Form, if the Applicant has engaged the services of an Agent to act on their behalf;
- c) A detailed map and/or sketch of the Unopened Road Allowance to be improved or maintained;
- d) A complete explanation of the reasons for the improvement or maintenance of the Unopened Road Allowance;
- e) The name and contact information for the Ontario Land Surveyor and lawyer to be used for the Application;
- f) A Parcel Identification Number Map and Parcel Register from the Ontario Land Registry Office of the Unopened Road Allowance and of the Applicant's lands;
- g) The plans and specifications of the Work to be conducted for the Improved Road Allowance, to the satisfaction of the Operations Manager;
- h) The required fee and deposit as outlined in the User Fees and Service Charges Bylaw of the Municipality to cover administrative, legal and other costs. The Applicant shall pay any costs associated with the processing of the Application over and above the deposit; and
- i) All information and material, including reports and studies, required by the Municipal Planner.

8.3 Deeming the Application Complete

8.3.1 The Application shall be reviewed by the Municipality to ensure it meets all of the relevant criteria and to assess what additional information is required.

- 8.3.2** A site visit of the Unopened Road Allowance may be conducted if deemed necessary by the Municipal Planner.

8.3.3 Consultation and Advice

- a) Prior to making a decision on any Application, the Municipal Planner shall consult with such other persons or agencies as they consider necessary.
- b) An Application will be internally circulated to Municipal Departments for their review and comments.
- c) The Municipal Planner may contact the Municipal solicitor to review the Application.
- d) The Municipal Planner, in consultation with the Operations Department, may hire a qualified engineer to review the Application and to be retained throughout the following procedures, including the Work on the Improved Road Allowance.

8.3.4 The Municipal Planner, or designate, shall have the authority to:

- a) Deem an Application complete in order for the Application to proceed, after determining there are no obvious obstacles or concerns affecting the Application; or
- b) Require additional information and material prior to deeming the Application complete.

8.3.5 The Municipality shall notify the Applicant, in writing, that the Application has been deemed complete or incomplete and, if applicable, the necessary requirements to proceed with the Application.

8.4 Council Review

8.4.1 A Report to Council will present the Application for their initial review and consideration of the Application.

8.4.2 If Council supports the Application in principle, the Applicant may proceed with satisfying the conditions of this Policy.

8.4.3 If Council denies the Application, the Applicant shall be notified in writing or by email and the Application file will be closed.

8.5 Survey

8.5.1 After Council has given conditional approval, the Applicant is responsible for retaining an Ontario Land Surveyor to create a Preliminary Reference Plan, showing, at minimum, the following:

- a) the portion of the Unopened Road Allowance where the Public Unassumed Privately-Maintained Driveway will be located, with appropriate monumentation by the Ontario Land Surveyor to ensure any work conducted on the Unopened Road Allowance occurs entirely within the Unopened Road Allowance; and
- b) all encroachments on the Unopened Road Allowance.

- 8.5.2** All costs associated with the Ontario Land Surveyor are the responsibility of the applicant/property owner.
- 8.5.3** The Preliminary Reference Plan shall be submitted to the Municipal Planner for review and approval prior to being deposited.
- 8.5.4** The Municipal Planner is authorized to review the Preliminary Reference Plan and to approve, deny, or require amendments to a Preliminary Reference Plan. The Municipal Planner may need to consult with the Operations Department, any other Municipal Department, or any persons or agencies for review of the Preliminary Reference Plan. The Municipal Planner shall provide their decision in writing to the Applicant.
- 8.5.5** The Municipal Planner will notify the Applicant when the Preliminary Reference Plan is satisfactory and will advise the Applicant to instruct their Ontario Land Surveyor to deposit the Reference Plan in the Land Registry Office.
- 8.5.6** The Applicant is responsible for ensuring that the Municipality receives a copy of the registered Reference Plan in the format(s) and number of copies deemed necessary by the Municipal Planner.

8.6 Agreement

- 8.6.1** Prior to any Work being carried out, the Applicant shall provide the following to the Municipal Planner:
- a) A clear and legible signed Agreement in a form satisfactory to the Municipality shall be received from the Applicant, including, at a minimum and without limitation, the following:
 - i) indemnities in favour of the Municipality;
 - ii) acknowledgements that the Applicant is conducting the Work and using the Public Unassumed Privately-Maintained Driveway at their sole risk;
 - iii) acknowledgments that the Municipality may not be able to provide emergency services in the event that the Public Unassumed Privately-Maintained Driveway is not maintained so as to permit emergency services to access the Applicant's property; and
 - iv) a waiver of liability in the event that emergency services are unable to access the Applicant's property due to the

condition of the Public Unassumed Privately-Maintained Driveway.

- b) The registered Reference Plan and the location of the improvements shall be verified by an Ontario Land Surveyor. Markers shall be placed identifying the limits of the road allowance and/or municipally owned land and the proposed location of the improvements to avoid trespass onto adjacent properties.
- c) A certificate of Insurance confirming the Applicant has valid commercial liability insurance covering all the Work related to the improvement of the Improved Road Allowance, with the Municipality as an Additional Insured, subject to a minimum liability limit to the satisfaction of the Municipality.
- d) A certificate of Insurance confirming the Applicant has valid comprehensive public liability and property damage insurance, acceptable to the Municipality, against loss or damage resulting from bodily injury to, or death of one or more persons and loss of or damage to property, and that names the Municipality as an additional insured.
- e) A security deposit in the form of an irrevocable standby letter of credit or certified cheque for the full amount of the value of the improvements issued by a chartered bank (Contractor quotes are used to determine value of the improvements) which will be returned upon satisfactory completion of all work necessary for the Improved Road Allowance.
- f) Current property taxes on the Applicant's property are paid and the account is up-to-date.
- g) Proof of compliance of all other conditions added through the Application and process.

8.6.2 The Municipality reserves the right to require terms and conditions in an Agreement that are to the satisfaction of Council.

8.6.3 The Municipality may require its lawyer to prepare, draft, review, amend, or conduct any other necessary work for the Agreement. Any costs associated with the legal costs shall be recovered by the Applicant.

8.6.4 A Report to Council will present the Application with the Agreement.

- 8.6.5** It is at the discretion of Council on whether to approve, deny or postpone the Application with the Agreement.
- 8.6.6** Council approval of the Application with the Agreement shall be passed by Bylaw.
- 8.6.7** If Council denies the Agreement and does not want to finalize the Agreement at their own discretion, the applicant shall be notified and the Application file will be closed. All costs incurred by the Applicant are at their sole risk and the decision of Council is not subject to review.

8.7 Notice of Signed Agreement

- 8.7.1** After Council approves and the Agreement is signed by all respective parties, the following parties should be notified by email or mail:
- a) The Applicant;
 - b) The Applicant's lawyer;
 - c) The Municipal solicitor;
 - d) The Municipal Clerk; and
 - e) Applicable Municipal Departments

8.8 Work on the Improved Road Allowance

- 8.8.1** Work on the Improved Road Allowance shall not commence until the Municipality is in receipt of a completed Agreement that is signed by all respective parties, required securities and proof of insurance.
- 8.8.2** The Operations Manager shall conduct inspections of the Work at such frequency as they consider necessary. the Operations Manager or their designate shall consider the following when undertaking any inspections:
- a) Any potential adverse impact to public health and safety;
 - b) Any potential adverse impact to existing and future roads and infrastructure;
 - c) Any potential concerns of liability to the Municipality;
 - d) Any potential adverse impacts to the environment;
 - e) Any concerns for the security of persons or property;
 - f) Any concerns or violations of the Agreement;
 - g) Any deviation from approved plans and specifications;
 - h) Any issues, concerns or violations of applicable legislation, policies, bylaws, standards and practices; and
 - i) The past or present conduct of the Applicant or of the contractor hired to conduct the work affords reasonable grounds to believe the construction, maintenance or other works may not be adequately managed in accordance with the Agreement.

- 8.8.3 The Operations Manager may retain a qualified engineer to conduct the inspection, review the Work, and provide advice or opinion to the Operations Manager.
- 8.8.4 Once the Work is completed the Applicant must notify the Operations Manager, or designate, immediately for the final inspection.
- 8.8.5 It is at the discretion of the Operations Manager, or their designate, to conduct the necessary inspection and review, approve, refuse, or require corrective work all to the satisfaction of the Operations Manager.
- 8.8.6 All corrective work as directed by the Operations Manager must be completed within two weeks, or, at the discretion of the Operations Manager, within a reasonable timeframe.
- 8.8.7 Should the Municipality be required to perform any required remedial action in relation to this Agreement, any subsequent costs as a result of non-compliance with the Agreement shall be taken from any provided security. Where the costs incurred by the Municipality exceed the security, the Applicant shall remain liable for the shortfall and the Municipality may add any outstanding amount to the tax roll for the Applicant's property tax account pursuant to Section 446 of the *Municipal Act*, c.25, S.O. 2001, as amended.

8.9 Entrance Permit and Civic Addressing

- 8.9.1 An Entrance Permit and Civic Addressing Application shall be applied for by the Applicant in accordance with the applicable Bylaw.
- 8.9.2 The Applicant shall pay for all costs associated with the applicable Entrance Permit and Civic Addressing Application(s).

8.10 Expiry of Application

- 8.10.1 An Application will be considered expired if it has been inactive for a period of twelve (12) months.
- 8.10.2 The Applicant shall be notified by any reasonable means that their Application is expired.
- 8.10.3 If the Applicant provided a security deposit, the security deposit will be returned to the applicant.
- 8.10.4 Once expired, the Applicant must re-apply if they wish to continue with a new Application, including a new Application fee, and this

new Application will be subject to the current Policy in place, as amended, at the time of the new Application.

9.0 Administration

9.1 The Municipal Planner is responsible for the administration of this Policy.

9.2 Any administrative forms required under this Policy may be prescribed from time to time by the Municipal Planner.

9.3 The Operations Manager is authorized to review all Work to be conducted and may approve, deny, or require corrective actions for any Work conducted as may be deemed necessary.

9.4 Transition

9.4.1 Any new development, site alteration, or Application for an Improved Road Allowance submitted after the passing of this Policy shall be required to follow this Policy.

9.4.2 Where an Application for an Improved Road Allowance was previously granted tentative approval by Council to proceed with their Application, and where the Applicant has not yet entered into an Agreement with the Municipality, the Applicant shall adhere to the above Section on "Agreement" and the remainder of the Policy thereafter.