

MUNICIPALITY OF TEMAGAMI	
Report Prepared For:	Municipality of Temagami Council
Report Prepared By:	Jamie Robinson, BES, MCIP, RPP and Patrick Townes, BA, BEd MHBC Planning, Planning Consultants
Subject:	162 Lake Temagami Island Unit 981 Section 118 Request
Report Date:	November 9, 2023

RECOMMENDATION

- 1) THAT Council pass a resolution to permit the transfer of Parcel 16263, Parcel 29350 and Parcel 29349 from David and Janet Manning to Courtney Hathway; and,
- 2) THAT Council pass a resolution to require the Section 118 restriction to continue to apply to Parcel 16263, Parcel 29350 and Parcel 29349.

OVERVIEW

The owners have submitted a request to the Municipality to allow for the transfer of ownership of three properties. The properties are currently owned by David and Janet Manning and they are proposing to legally transfer ownership of all three properties to their daughter, Courtney Hathway. The subject properties are outlined in red and shown on Figure 1.

Figure 1: Subject Properties



The subject properties are located on Island 981 and the island is north of Bear Island. The one property with shoreline frontage is locally known as 162 Lake Temagami Island Unit 981 and contains an existing dwelling.

The properties are subject to a Section 118 restriction. Section 118 of the *Land Titles Act* provided that the registered owner may impose restrictions on transferring or charging land or a charge. The document referencing the Section 118 restriction is attached to this report. This document references the three properties shown in Figure 1 and states "that no transfer shall be made or charge created unless the consent of the Council of the Municipality of Temagami is obtained prior to such transfer made or charge created".

The owners or the owner's solicitor is not aware of why the restriction was put in place; however in most cases a Section 118 restriction is applied when a Municipality requires different properties to be transferred together. The owner's solicitor has confirmed that all three properties are to be transferred together and at the same time.

DISCUSSION

Municipal staff are not aware of any reasons for why the Section 118 restriction was applied to the properties. Given that all three properties are to be transferred to the same owner, staff do not have any concerns with recommending that Council provide a recommendation to allow for the transfer; and to require the restriction to remain in place.

One reason the Section 118 restriction could have been added is because two of the properties do not have lot frontage on the lake, and therefore there were limitations on the ability to sell these lots to a new buyer who may try to develop the lots (behind the existing shoreline properties).

No new lots are being created. The only proposed change is the ownership of the properties. Staff recommend that Council approve resolutions that permit the transfer of the lots from the owners to their daughter.

<p style="writing-mode: vertical-rl; transform: rotate(180deg);">FOR OFFICE USE ONLY</p> <p style="writing-mode: vertical-rl; transform: rotate(180deg);">LT406890</p> <p style="writing-mode: vertical-rl; transform: rotate(180deg);">CERTIFICATE OF RECEIPT CERTIFICAT DE RECEPTION NIPISSING 36</p> <p style="writing-mode: vertical-rl; transform: rotate(180deg);">03 FEB 7 AM 11 55</p> <p style="writing-mode: vertical-rl; transform: rotate(180deg);"><i>Steven S. Byck</i> LAND REGISTRATION REGISTRAR</p>	(1) Registry <input type="checkbox"/> Land Titles <input checked="" type="checkbox"/> (2) Page 1 of 2 pages
	(3) Property Identifier(s) Block Property Additional: See Schedule <input type="checkbox"/>
	(4) Nature of Document Application to Register Restriction (Section 118 Land Titles Act)
	(5) Consideration Nil Dollars \$
	(6) Description Parcel 16263 Nipissing Parcel 29350 Nipissing Parcel 29349 Nipissing See Schedule attached for full legal description.
	(7) This Document Contains (a) Redescription New Easement Plan/Sketch <input type="checkbox"/> (b) Schedule for: Description <input checked="" type="checkbox"/> Additional Parties <input type="checkbox"/> Other <input type="checkbox"/>
	New Property Identifiers Additional: See Schedule <input type="checkbox"/> Executions Additional: See Schedule <input type="checkbox"/>

(8) This Document provides as follows:

We, David Coleman Manning Lewis and Janet Rich Manning, the registered owners of Parcels 16263 Nipissing and 29350 Nipissing and co-owners as Tenants in Common of Parcel 29349 Nipissing, the lands described in Box 6 above, hereby apply, pursuant to Section 118 of the Land Titles Act, to have the Parcel registers for all of the said lands amended by entering a restriction on title "that no transfer shall be made or charge created unless the consent of the Council of The Municipality of Temagami is obtained prior to such transfer made or charge created."

Continued on Schedule

(9) This Document relates to instrument number(s)

(10) Party(ies) (Set out Status or Interest) Name(s)	Signature(s)	Date of Signature Y M D
MANNING, David Coleman		
MANNING, Janet Rich (Applicants) by their Solicitor Theodore R. Byck	<i>Theodore R. Byck</i>	2003 01 27

(11) Address for Service 38 Park Avenue, Winchester MA, 01890

(12) Party(ies) (Set out Status or Interest) Name(s)	Signature(s)	Date of Signature Y M D

(13) Address for Service

(14) Municipal Address of Property not assigned	(15) Document Prepared by: Theodore R. Byck Byck Law Office Barrister & Solicitor 7 Armstrong Street, P.O. Box 760 New Liskeard, Ontario P0J 1P0	72221	Fees and Tax
			Registration Fee
			Total <i>60</i>

Jane

Additional Property Identifier(s) and/or Other Information

SCHEDULE OF LEGAL DESCRIPTION

Parcel 16263 Nipissing
SRL H.S. 2072, Part of Island 981
Township of Joan

Parcel 29350 Nipissing
Part of Location CL 12631, Part of Island 981
Township of Joan
Part 3, Plan 36R-11311

Parcel 29349 Nipissing
Part of Location CL 12631, Part of Island 981
Township of Joan
Part 2, Plan 36R-11311

All in the Municipality of Temagami