

Memorandum to the Council of Corporation of the Municipality of Temagami

Subject: Resident Request for Easement Snow Removal

Memo No: 2025-M-063

Date: March 13, 2025

Attachment: February 18, 2025 - Letter to Mayor and Council - Easement Snow Removal

Prepared By: Sabrina Pandolfo - Clerk

Recommendation

BE IT RESOLVED THAT Council receives Memo 2025-M-063 as presented;

AND BE IT RESOLVED Council deny the request from the residents at 4 Harmony Avenue for the Municipality to plow their driveway, which contains an easement for municipal infrastructure services,

AND FURTHER THAT Council maintain the existing policy of not providing snow removal services on private property, even where an easement exists.

Contents

Recommendation	1
Executive Summary	2
Background.....	2
Rationale	2
Conclusion.....	3
Appendix A.....	5

Executive Summary

The Municipality of Temagami has received a request from Norm and Marilyn Lacroix of 4 Harmony Avenue for the Municipality to plow their driveway, which contains an easement for municipal infrastructure services. While the Municipality acknowledges the limitations imposed on property owners by municipal easements, it has not provided snow removal services on private driveways in the past.

There are multiple properties within the Municipality with municipal easements, some of which are located within or partially within residential driveways. Granting this request could set a precedent, creating an unsustainable expectation for future requests. Additionally, plowing private driveways poses liability concerns, including slip and fall risks, inconsistencies in service, and potential access issues for emergency vehicles. Based on these factors, staff recommend that this request be denied.

Background

The Municipality holds numerous easements throughout the community to provide access to essential municipal infrastructure, such as water and sewer lines. These easements allow the Municipality to maintain and repair critical services but do not transfer property ownership or impose an obligation for general maintenance, including snow removal.

The residents of 4 Harmony Avenue acknowledge the presence of the easement and the restrictions it places on their ability to modify the property. As a form of compensation, they have requested that the Municipality plow the driveway where the easement exists during the winter months.

Rationale

- 1. Precedent and Feasibility** - Many municipal easements cross private driveways. Approving this request could create a precedent for similar requests, leading to an unmanageable expansion of municipal snow removal responsibilities.

2. **Liability Concerns** - The Municipality does not maintain private property. Providing snow removal services on private driveways could introduce liability risks, including slip and fall claims, damage to private property, and inconsistencies in service levels that may affect emergency access.
3. **Municipal Responsibility** - Easements grant access rights for infrastructure servicing but do not transfer maintenance responsibilities to the Municipality. Snow removal on private driveways remains the responsibility of property owners, regardless of the presence of an easement.

Legal Compliance and Relevant Acts

The Municipality is not legally obligated to provide snow removal services on private property, even where an easement exists. The following legal provisions apply:

- **Municipal Act, 2001** – The Municipality has the authority to maintain and repair its infrastructure but is not required to maintain private property.
- **Occupiers' Liability Act** – If the Municipality were to plow private driveways, it could assume liability for injuries resulting from snow or ice conditions, leading to legal and financial exposure.
- **Insurance and Risk Management** – Expanding municipal services to private property could create additional liability risks beyond the Municipality's current insurance coverage.

Given these legal considerations, staff recommend maintaining the existing policy of not providing snow removal on private property.

Conclusion

While the Municipality understands the concerns of the residents at 4 Harmony Avenue, it is neither feasible nor legally required to provide snow removal services for private driveways containing municipal easements. Liability concerns, the potential for setting an unsustainable

precedent, and the Municipality's lack of responsibility for private property maintenance all support the recommendation to deny this request.

Council is encouraged to uphold the current policy and not extend municipal snow removal services to private properties, even where an easement exists.

Norm & Marilyn Lacroix

[REDACTED]
[REDACTED]
February 12, 2025

Municipality of Temagami
7 Lakeshore Drive
P.O.Box 220
Temagami, ON PoH 2H0
communicate@temagami.ca

RE: Easement between 4 Harmony Ave and the building known as Scotiabank.

Dear Mayor & Council,

We are writing regarding the said easement on our driveway. The Municipality needs access to said easement in the case of needing access to the water main under our driveway. Because of this easement, we have certain limitations as to what we can do on our driveway, for example; we can not pave our driveway or have a carport as the town may have to dig the driveway up, as it has in the past, to fix water main issues.

Due to our diligence in keeping this area available for the Municipality, we are requesting, as some compensation, the Municipality keep said driveway/easement plowed during the winter months.

We will await a response at your earliest convenience.

Sincerely,

[REDACTED]
[REDACTED]
Norm & Marilyn Lacroix

RECEIVED

FEB 18 2025