

West Carling Association

SINCE 1921

• GEORGIAN BAY SHORELINE CONCERNS •



31 AUGUST 1985

Purchase of Shore Allowance

At our Annual Meeting on July 31, the Association formally decided to proceed with a group application to the township for the closure of the shoreline allowance of interested members, and we have now completed the administrative arrangements to set the application in motion.

Mr. Joseph B. Wilson, a Parry Sound lawyer, will act on behalf of those participating in the group application, and he has quoted a fee of \$75 per property. We have also arranged with Mr. Paul Forth, a Parry Sound surveyor, to undertake the surveys which **must** be done for each lot involved in the application. His basic fee will be \$200 (it will be higher for properties involving more than 3-400 feet of shoreline and with frontage on two or more sides). The Association is satisfied that these are reasonable fees; they are very competitive with those established for other group applications.

Our estimated total cost for each shoreline purchase in a group application is roughly \$850, comprised of the following:

\$100	actual purchase price from the township
300	township legal fees, cost of advertising, other township expenses
200	group survey fee
75	group legal fee
175	incidental costs (Association mailing, telephone and other expenses, end disbursements, contingency)

It must be emphasized that this is an estimate. The precise cost cannot be established at this stage principally because of uncertainty over the exact township charges for legal, advertising and other expenses. (That is one reason why we have set a relatively high figure at this stage for incidental expenses.) The group application will, however, represent a substantial saving over the costs for an individual acting on his own in terms of survey and legal fees and also township expenses. (The Pengally Bay Association has estimated the cost for an individual purchase at over \$1,700.)

Whether or not one deems it worthwhile to purchase the shoreline allowance is a matter of individual opinion, but to assist members in making a decision, the following briefly are some of the pros and cons. On the negative side, one must consider the cost involved and the fact that there will be a modest increase in the property assessment and hence also in annual taxes. Purchasers will still not own the shore from the high water level down to the actual water line, nor, of course, the lake bottom. We should also clear up one other point that several members have raised; if you do not close your shoreline, it will not be available for possible sale to someone else.

On the positive side, there's the increased sense of security in ownership of the shore allowance. That can be facilitative, for example, in dealing with trespassers. Further, the current Ontario government is allowing sale of the shore allowance, but that could change in the future, given that there have been statements by the opposition parties that the allowance should be preserved for the use of the public. Obtaining a mortgage may also be more difficult in the future if one has buildings partly on land that one does not own. For this and other reasons, prospective purchasers may be cautioned by a lawyer if a property for sale does not include the shore allowance. Hence, the marketability and sale price of a property may in the long-term be affected. Finally, the cost of purchase is never likely to be cheaper than via a group application now.

All those wishing to participate in the group application are asked to complete the form below and return it to our lawyer, Mr. Wilson, by Friday, September 9. You will then receive directly from him a formal application form for closure together with a request for a deposit (probably \$850) to be submitted by the end of September. Any unexpended balance will be refunded at the completion of the closure process.

With regard to island properties, we have been advised that generally the smaller islands (i.e. those under five acres) do not have shore allowances which can now be closed. However, in the case of some larger islands, purchase of the shoreline (via the Ministry of Natural Resources) may be possible. Island property owners who would like to participate in this group application and want to establish whether or not they have a shoreline allowance that can be closed are invited to fill in the form below and they will be advised by Mr. Wilson as to whether or not closure is applicable in their case.

group application
sent to
MR. JOS. B. WILSON
97 JAMES ST.
P.O. BOX 580
PARRY SOUND ONTARIO
P2A 2X5
mailed
88.08.31

Terry Kenleyside

President
West Carling Association