



# Municipality of Port Hope

## Staff Report

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### Report Title: Repeal By-law 1837 to Address Minor Title Issue

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**Report to:** Corporate Services Committee

**Date of meeting:** April 4, 2023

**Report Author:**

Brian Gilmer – Director, Corporate Services

**Department responsible:**

Corporate Services

**Report Number:** CS-06-23

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#### Recommendation:

That a by-law be presented to Council to repeal By-law 1837.

#### Highlights:

- Formally repeals a by-law from 1978 in order to address a minor title issue related to a residential property originally made in error.

#### Background:

The former Township of Hope passed By-law 1837 in 1978 long prior to amalgamation and the formation of the Municipality of Port Hope. The purpose of the by-law was seemingly to appoint members to a cemetery board for a two year term, but unclear language in the by-law also included a reference that the Township would also 'assume the ownership' of the property in question.

The property (now known as 6835 Perrytown Road) is immediately next to cemetery properties that are inactive but have been maintained by the Municipality since at least the time of the by-law passing. There was a subsequent severance of land of the parcel that actually contained the cemetery and the new parcel was never intended to become a cemetery and should have had the title cleaned up to remove By-law 1837 at the time of severance.

The error related to the property in question means that the by-law has been registered on the title of residential property and creates a conflict. Ownership of this particular property was never intended to transfer to the Township and never did. The property was privately owned the entire time, was subsequently severed, and recently sold.

#### Discussion:

After being advised of the title issue, staff consulted with legal counsel and signed consent and authorization documentation amending the property identification and

removing the incorrect instrument. This is standard practice for minor title issues and is a relatively simple action for the Municipality to take to assist in addressing title issues for a resident.

The Land Registry Office subsequently identified that a repealing By-law is additionally required to formally address this issue for the landowner. Staff consulted further with legal counsel and have determined that passing a repealing by-law requires the action of Council and will assist the owner of the property in clearing up their ongoing title issue.

Upon direction being received, staff will present a by-law to Council for adoption that repeals By-law 1837 from 1978. The specific language of the by-law is still being sorted out to ensure this does not create any additional challenges and fully addresses the issue. If through additional review a by-law amendment is actually the preferred action staff will present the same to Council in the near future.

**Financial Considerations:**

Expenses related to consulting briefly with municipal legal counsel as to whether simpler alternative options were available are minor and easily included in the regular operating budget.

**Communication and Public Engagement:**

Not required in relation to this report.

**Conclusion:**

To fully address the title issue action of Council is required to repeal the original by-law that included the error.

**Attachments:**

None.