



INFORMATION REPORT

TO:	Chair and Members Public Works Committee
COMMITTEE DATE:	June 2, 2014
SUBJECT/REPORT NO:	Deposit of Notice on Title - Affected Properties on Searle Street Related to Access to the Private Garage from Bull's Lane (PW14020a) - (Ward 7)
WARD(S) AFFECTED:	Ward 7
PREPARED BY:	Gord McGuire 905-546-2424, Extension 2439 Dave Lamont 905-546-2424, Extension 4413
SUBMITTED BY:	Gary Moore, P.Eng. Acting General Manager Public Works Department
SIGNATURE:	

Council Direction:

Public Works Committee at its meeting of March 17, 2014, asked staff to provide information on whether a formal notice could be placed on title for each property that fronts onto Searle Street noting that access to the private lane serving Bull's Lane (at the rear of said properties on Searle Street) would not be permitted, nor considered in the future.

Information:

In response to the Council direction staff, in consultation with Legal Services, determined that it is not possible to unilaterally register such a notice on title to the Searle Street properties. The City of Hamilton has no legal interest in the lands along Searle Street and therefore the City, nor any other person, is allowed to register any documents on title to lands they have no legal interest in.

Conditions, restrictions, covenants under the Land Titles Act, Section 119(1);

"Upon the application of the owner of land that is being registered or of the registered owner of land, the land registrar may register as annexed to the land a condition or restriction that the land or a specified part thereof is not to be built upon, or is to be or is not to be used in a particular manner, or any other condition or restriction running with or capable of being legally annexed to land. R.S.O. 1990, c. L.5, s. 119 (1)."