



Corporation of the Township of Black River - Matheson  
429 Park Lane  
P.O. Box 601  
Matheson, Ontario  
P0K 1N0

**RESOLUTION**

DATE: January 21, 2019

NO: 2019 - \_\_\_\_\_

**MOVED BY:**

Councillor Dubien	Councillor Gibson	Councillor Cumming
Councillor De Marchi	Councillor Charlebois	Councillor Riach

**SECONDED BY:**

Councillor Dubien	Councillor Gibson	Councillor Cumming
Councillor De Marchi	Councillor Charlebois	Councillor Riach

THAT Council approves the applicants request to allow access on a portion of the Matheson Fire Hall property in order for applicants to gain access to rear entrance of building located at 365 MacDougall St.

CARRIED                       DEFEATED

\_\_\_\_\_  
MAYOR'S SIGNATURE

**Recorded Vote-TO BE COMPLETED BY CLERK ONLY**

	YEAS	NAYS
Councillor Dubien		
Councillor Gibson		
Councillor Cumming		
Councillor De Marchi		
Councillor Charlebois		
Councillor Riach		
Mayor Laderoute		

**X**

\_\_\_\_\_  
Cassandra Child  
Clerk



**Township of  
Black River – Matheson  
January 21, 2019**

**Report BUILDING-05-2019  
of the Chief Building Official  
For Consideration by Council**

**OBJECTIVE:** To Inform Council of the request to use a portion of the Matheson's Fire Hall property to gain access to a land-locked property.

**RECOMMENDATIONS:**

- 1. THAT:
  - a. Council receives this report and denies the request.
- 2. OPTION:
  - a. Council receives this report and accepts the request.

Respectfully submitted:

Approved:

Curtis Nicholson MLEO(C), C.P.S.O.  
Chief Building Official/Municipal  
Law Enforcement Officer

John Regan EcD(F), CEcD  
Chief Administrative Officer

## **BACKGROUND:**

On October 25, 2018 the municipality received a letter (attached) requesting a right-of-way through the Matheson Fire Hall's property to access 365 MacDougall Street in Matheson.

The property located at 365 MacDougall Street was created in 1979 according to municipal records. When the property was created, it became land-locked and only provided access from the street.

This building housed many businesses over the years and also provided an apartment on the second floor.

## **DISCUSSION:**

The municipality has been approached to see if a right-of way to access the property from the property serving the Matheson Fire Hall can be obtained. The right-of-way would be registered on title so future owners would have access. (Appendix 'A' attached)

This location is also used for the firefighters to access the fire hall when they have to respond to an emergency. Although every precaution is taken when entering the property, having another property owner with a right-of-way at the same location as the entrance to the fire hall possess a great risk. This area is designated as a fire route as indicated in the Municipality's Parking By-law 2018-06 Schedule "E" (shown on Appendix 'B' attached). The potential of some vehicle being parked in this area is increased which would block access to the fire hall as well pose a risk of a vehicle being stuck by anyone entering the property.

The Matheson Fire Hall's fire escape is located adjacent to the property requesting access. This poses a health and safety issue as anyone exiting the building via this escape route would have to walk pass this right-of-way in order to vacate the fire hall's property. This could pose a potentially dangerous situation, a vehicle could possibly strike anyone leaving the property. (Appendix 'C' attached).

The township reached out to the City of Timmins' Planning Department for advice on this issue. They felt this was not a good idea and was not supportive of this request.

## **HIGHLIGHTS:**

NIL

## **WORK PLAN:**

Nil

**COMMUNICATION PLAN:**

Nil

**BUDGET/LEGAL IMPLICATIONS:**

NIL

**INTERDEPARTMENTAL IMPACTS:**

Granting a right-of-way to access 365 MacDougall Street causes a greater risk for potential accidents and delay in response time for the fire fighters to respond to an emergency.

The Chief Administrative Officer and the Chief Building Official consulted with the Fire Chief on this issue. All were in agreement that access should not be granted.

**LINKS TO STRATEGIC PLANS:**

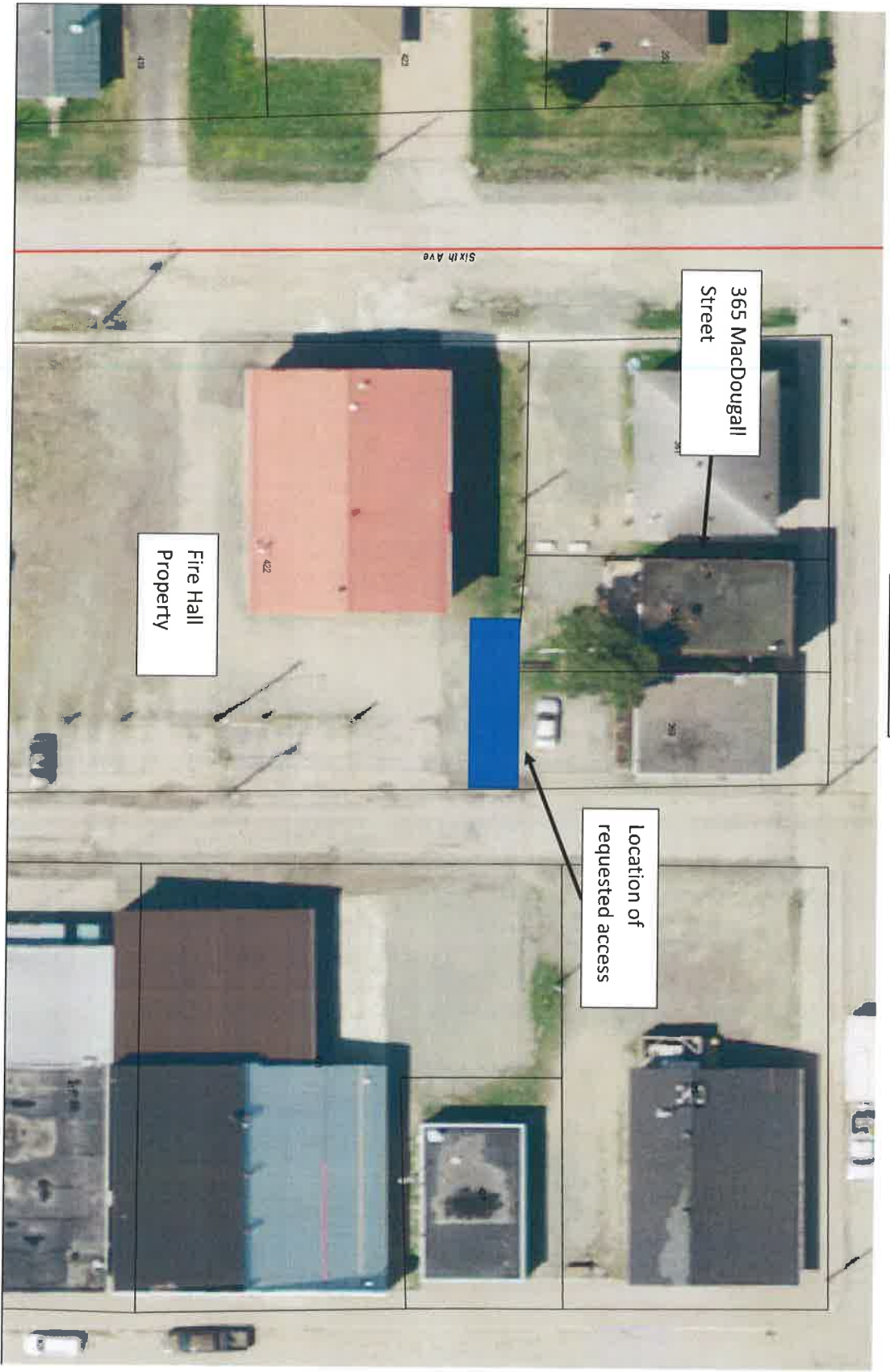
NIL

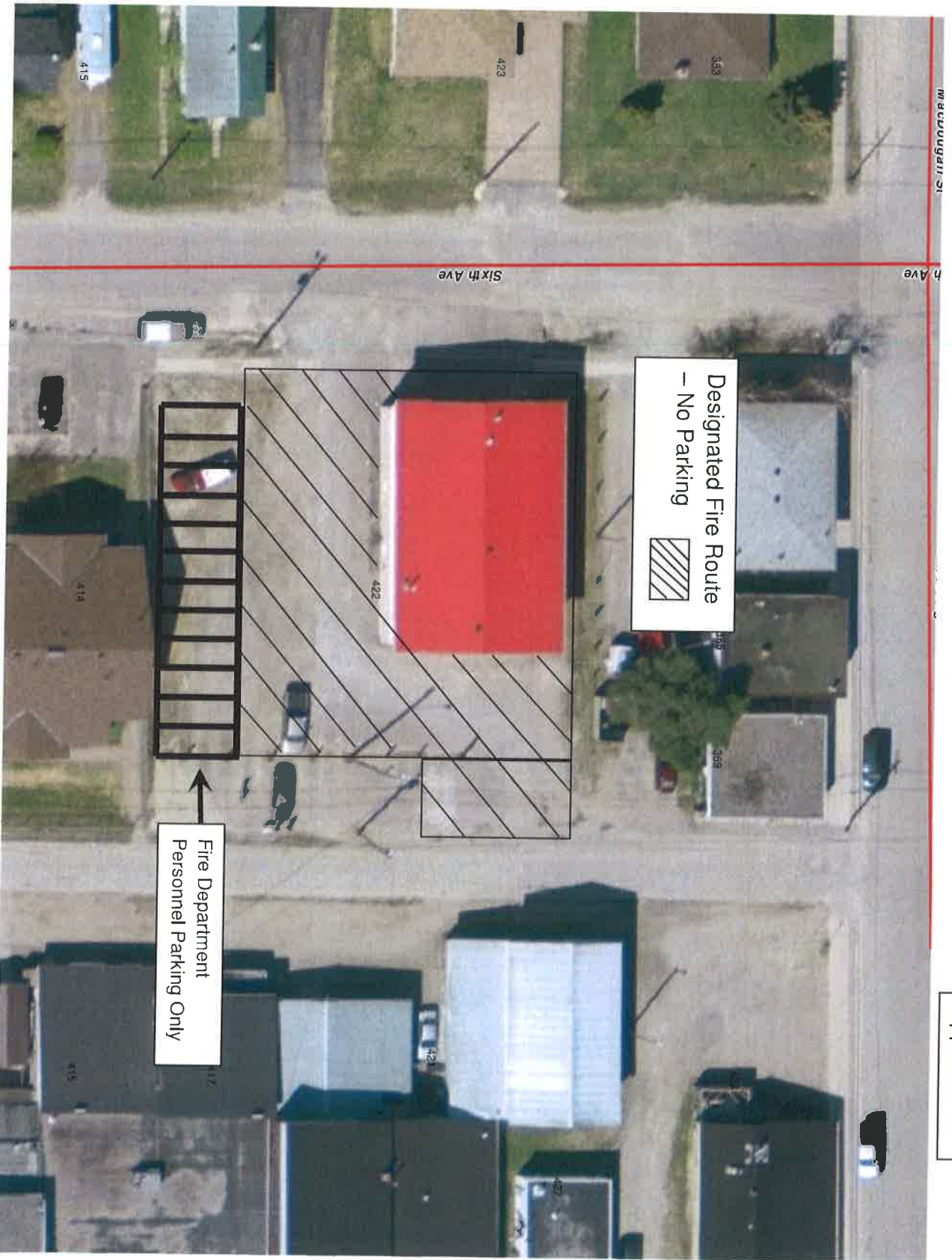
**RECOMMENDATION:**

That Council denies this request for access.

<b>REQUIRED AND RECEIVED COMMENTS FROM:</b> Yes or Not applicable	
CAO	Yes
Clerk	Yes
Finance	N/A
Building Control & MLEO Department	N/A
Public Works & Environmental Department	Yes
Parks, Recreation & Facilities Department	Yes
Community Development and Tourism	N/A
Planning Department	N/A
Economic Development Department	N/A
Fire Department	Yes
Other:	N/A

Appendix 'A'





Fire Hall located at 422 Sixth Avenue





Appendix C

# J. A. BARBER

Barrister & Solicitor  
Avocat et Notaire

*Celebrating 30 years of service  
to the Timmins, Matheson and surrounding areas  
1988 - 2018*

PO Box 189  
422 Fifth Avenue  
MATHESON, ON P0K 1N0  
Telephone: (705) 273-2151  
Facsimile: (705) 288-5189

Suite 07  
85 Pine Street South  
TIMMINS, ON P4N 2K1  
Telephone: (705) 268-5188  
Facsimile: (705) 288-5189  
Please reply to: Timmins Office

October 25, 2018

**SENT VIA FACSIMILE ONLY - 705-273-2140**

Corporation of the Township  
of Black River-Matheson  
429 Park Lane, P. O. Box 601  
MATHESON, ON P0K 1N0

Dear Council:

**Re: 365 MacDougall Street, Matheson**

This will confirm that I have been approached by Chad Stiller and Shannon Avison, the registered owners of the above property. The owners purchased the property on or about November 01, 2017.

Mr. Stiller and Ms. Avison have now learned that they are land-locked. While they have access at the front of the building, they cannot access the back of the property without trespassing onto the neighbouring property or municipal property.

My clients have therefore, asked that I approach the municipality with a view to obtaining a right-of-way, for purposes of ingress and egress, from the municipal property currently serving the Matheson fire hall. This right-of-way would be registered on the title to the property, so that future owners would also have the right to access the property, across the abutting municipal property.

The current owners would like to renovate the building in order to have a commercial tenant on the main floor and a residential tenant on the second floor. These tenants would need a parking location, as they cannot park on the street.

Please do not hesitate to contact me should you require additional information.

Yours very truly;

J. A. BARBER  
/bc

cc. C. Stiller/S. Avison