



**PORT COLBORNE**

**Subject: Acquisition of Unowned of Knoll Street Road End**

**To: Council**

**From: Office of the Chief Administrative Officer**

Report Number: 2024-61

Meeting Date: April 23, 2024

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**Recommendation:**

That Chief Administrative Officer Report 2024-61 be received; and

That the Manager of Strategic Initiatives be directed to work with the City Solicitor on the acquisition of the unowned Knoll Street road-end; and

That the Mayor and Acting City Clerk be authorized to sign all necessary documents.

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**Purpose:**

The purpose of this report is to seek Council approval to bring an application to the Superior Court of Justice for adverse possession of the unowned road end at the north end of Knoll Street PIN 64140-0038, legally described as PT LT 30 CON 2 Humberstone; Port Colborne, as shown in Appendix A.

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**Background:**

The Knoll Street road-end was brought to the attention of the Economic Development and Tourism Services Division (EDTS) by the Public Works Department as a potential future building lot. The Niagara Region Public Works Department also identified this parcel as a potential property for a future pumping station that is required in the north end of Port Colborne to support increased water and wastewater capacity and accommodate anticipated residential growth.

The City's Finance Division and the Municipal Property Assessment Corporation (MPAC) determined that this property was an unowned property that does not generate any tax revenue for the City. The property is zoned Fourth Density Residential, which is

the highest density zoning in Port Colborne. The size of the parcel is approximately 21 metres wide by 117 metres deep.

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### **Discussion:**

The City Solicitor has recommended that a claim of adverse possession should be brought forward to the Superior Court of Justice (the Court). The City Solicitor would ask the court to declare that the City was the lawful owner of these lands based on the City's exclusive use and possession of these lands for a minimum of a ten-year period prior to the lands' conversion to the Land Titles System. In addition, the Court would be asked to direct the Land Registrar to change the owner of the lands to the City.

The City has used this property in the past and evidence would be submitted to support the City's exclusive use and possession of the land.

Moving forward with the acquisition of this property, and having ownership, will prepare the City for future water wastewater servicing needs as the City continues to grow. Once the Niagara Region has completed an Environmental Assessment (EA) for, wastewater capacity in Port Colborne, the City will be informed as to whether this property is the ideal property for the new pumping station. During the EA process, other sites could be identified. If the property is not required for a pumping station, it can be declared surplus and sold for residential development.

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### **Internal Consultations:**

The EDTS team has consulted with the Finance Division and Public Works and there is a consensus that this is a parcel that should be in possession of the City. The City would be able to make best use of the property to benefit the City and its future.

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### **Financial Implications:**

Legal costs will be incurred for the City Solicitor to file the application with the Court, and with the Land Registry Office if the judgement is favourable to the City. These costs would be funded from the Economic Development Land Reserve Account.

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### **Strategic Plan Alignment:**

The initiative contained within this report supports the following pillars of the strategic plan:

- Welcoming, Livable, Healthy Community

- Economic Prosperity
  - Increased Housing Options
  - Sustainable and Resilient Infrastructure
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## **Conclusion:**

The Knoll Street road-end, as shown in Appendix A, has been identified as an unowned property in the City. The Public Works Department and Niagara Region Public Works have identified it as being of future benefit to assist the City in meeting the servicing needs of future residential growth. EDTS staff are seeking Council direction to work with the City Solicitor to acquire the property through a court application claiming adverse possession.

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## **Appendices:**

- a. Map of Knoll Street road-end

Respectfully submitted,

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## **Report Approval:**

All reports reviewed and approved by the Department Director and also the City Treasurer when relevant. Final review and approval by the Chief Administrative Officer.