

**To:** COUNCIL

**Meeting Date:** 7/8/2025

**Subject:** City Laneway – Between 26 and 28 Norfolk Avenue

**Submitted By:** Bryan Boodhoo, City Solicitor

**Prepared By:** Neil Lacey, Manager Realty Services

**Report No.:** 25-028-OCM

**File No.:** L07N008

**Wards Affected:** Ward 4

**RECOMMENDATION(S):**

THAT Report 25-028-OCM - City Laneway – Between 26 and 28 Norfolk Avenue be received;

AND THAT Part 1 on Plan 58R-22105 be declared surplus;

AND THAT Council enact a by-law to permanently stop-up and close the lands described as Laneway on Plan 225 Cambridge Between Lots 12 & 13, designated as Part 1 on Plan 58R-22105, City of Cambridge, PIN 03810-0140 (LT);

AND FURTHER THAT Council direct staff to set aside the Road/Lane/Walkway Closing Procedures (amended 2008) and proceed with the disposition of Part 1 on Plan 58R-22105 to the owners of 26 Norfolk Avenue.

**EXECUTIVE SUMMARY:**

**Purpose**

The purpose of this report is to obtain direction from Council to proceed with the disposition of the Part 1 on Plan 53R-22105 (attached as Appendix “B” and hereby referred to as the “Laneway”) to 26 Norfolk Avenue exclusively, which varies from the City’s existing Road/Lane/Walkway Closing Procedures (attached as “Appendix A”).

## Key Findings

### Laneway Dimensions

Width - 3.66 m (12 ft)

Length - 33.69 m (110.5 ft)

Area - 123 m<sup>2</sup> (1,336 ft<sup>2</sup>)

### Facts

The City has no apparent need for the Laneway and does not need to carry liability of ownership.

The owner at 26 Norfolk Avenue:

- has a detached garage on the Laneway. Notably, the garage is believed to have been built before the requirement to obtain permit or even zoning by-law was established. The current owner purchased 26 Norfolk Avenue in 2022
- has no legal parking on their property
- has deposited a reference plan at their own cost for the entire width of the Laneway (attached as “Appendix B”)
- is willing to cover all associated costs with this conveyance
- is willing to pay full market value

The owner at 28 Norfolk Avenue:

- has available conforming parking on the east side of their property as seen on the Aerial Diagram (attached as “Appendix C”)

### Issue

The owner at 26 Norfolk Avenue requires full conveyance of the Laneway width (12 feet) to comply with zoning and meet the Additional Residential Unit (ARU) requirements.

The owner at 28 Norfolk Avenue has requested half of the Laneway (6 feet) for an additional parking space on the east (Laneway) side of his property.

There is no precedent whereby two abutting owners (Inquirers) express interest in purchase of their respective portions; while one party requires it for zoning compliance, the other does not. A re-examination of the City’s Laneway Closing procedure would

give staff ability to address reoccurrences of this issue in future and bring the policy up to date.

## **Financial Implications**

All associated costs will be borne by the applicant(s). Potential revenue to Realty Services will be contingent on the type of property interest conveyed by the City.

- Revenue expectations for a fee-simple sale transaction are fair market value (FMV) at an estimate of \$18,420 (Calculated: \$600,000 per acre x 0.0307 acre laneway).

## **STRATEGIC ALIGNMENT:**

☐ Strategic Action

**Objective(s):** Not Applicable

**Strategic Action:** Not Applicable

**OR**

☒ Core Service

**Program: Property and Realty**

**Core Service:** Acquisition and Disposals of Real Property

## **BACKGROUND:**

In the fall 2023, the owner of 26 Norfolk Avenue came to the City with a building permit application for a basement Additional Residential Unit (ARU) for zoning compliance and it came to the attention of City staff that the existing driveway and detached garage for the property is located on a City owned Laneway. As a result, the site plan does not provide the required parking for the existing building and proposed ARU on the property.

## **ANALYSIS:**

Realty staff circulated the proposed disposition to internal staff and utilities (Rogers, Bell, Enbridge and Grandbridge Energy). There is no apparent need for the Laneway. By disposing of the Laneway, the City would avoid future liability from lack of

maintenance or other future hazards in the Laneway and generate revenue for the City. It is recommended that any revenue remain in Realty Service's budget, and, if there is a positive variance at the end of the year, that it be dealt with in the normal course.

In following this recommendation, 26 Norfolk Avenue would retain their garage, have a driveway conforming with zoning by-law, and have parking for the proposed ARU.

However, according to the City's Road/Lane/Walkway Closing Procedures:

- Council must declare the parcel surplus and provide conveyance authorization through a resolution
- Once Council passes a resolution to close and convey the Laneway it must be advertised 21 days prior to public Council. If objections from the public are received Council must decide whether a by-law is to be enacted.

The owner of 28 Norfolk Avenue has available conforming parking on the east side of their property where 26 Norfolk Avenue has none.

### **Road/Lane/Walkway Closing Procedures**

According to the City's Policy, the abutting owners in most cases are given the first opportunity to purchase. A lane is split if the owners both express interest and provide the funds for their respective portions.

Lanes and walkways are only disposed of in entirety and not portions. So where one party is not interested it may be offered as available to others.

Splitting this lane results in a width of 1.8m (6ft) that does not satisfy minimum width specification of 2.9. (9.5ft) mentioned in the above section.

The owner of 26 Norfolk Avenue requires full conveyance of the Laneway width (12 feet) to comply with zoning and meet the Additional Residential Unit (ARU) requirements. Therefore, Staff recommendation is to dispose of the Laneway to 26 Norfolk Avenue exclusively, and set aside the City's existing Road/Lane/Walkway Closing Procedures.

### **Zoning Regulations**

The relevant zoning regulations are as follows:

- 2.2.1 (a) a detached or semi-detached one-family dwelling or linear row house requires 1 space for the first 4 bedrooms in the dwelling unit plus 1 space for each additional 2 bedrooms
- 2.2.2.3(a) All required off-street parking facilities shall be located on the same lot and in the same zone as the use, building or structure for which such parking is required;
- 2.2.3. Each off-street parking space and parking lot shall be provided in accordance with the following minimum specifications:
  - Stall Width 2.9m (9.5ft)
  - Stall Length 5.5m (18ft)
- 3.1.1.11.6 One additional parking space per ARU is required, of which parking space may be a tandem parking space and located between the established building line and the street line.

These zoning regulations together mean that a total of 2 parking spaces are required for the house plus the ARU, the parking spaces must be located on the property, and the minimum parking stall dimensions are 2.9m x 5.5m.

#### **EXISTING POLICY / BY-LAW(S):**

By-law 74-95 sets out provisions, procedures, and guidelines with respect to authority and due diligence for property acquisitions and dispositions.

Transportation & Public Works Department Council/Corporate Policy Manual  
Road/Lane/Walkway Closing Procedures (amended 2008).

The lands at 26 and 28 Norfolk are zoned R5 Residential in the City's Zoning By-law 150-85.

#### **FINANCIAL IMPACT:**

All associated costs will be borne by the applicant(s). Potential revenue to Realty Services will be contingent on the type of property interest conveyed by the City.

- Revenue expectations for a fee-simple sale transaction are fair market value (FMV) at an estimate of \$18,420 (Calculated: \$600,000 per acre x 0.0307acre laneway).

#### **PUBLIC VALUE:**

The City is demonstrating responsible stewardship of public assets including the

disposition of real property at fair market value where such disposition is in furtherance of good planning that conforms with the City's Zoning By-law.

#### **ADVISORY COMMITTEE INPUT:**

##### **Advisory Committees Consulted:**

Not Applicable

#### **PUBLIC INPUT:**

When report moves to Open Council it will be posted publicly as part of the report process.

#### **INTERNAL / EXTERNAL CONSULTATION:**

Internal Consultation

The following internal stakeholders were consulted:

- Legal Services
- Engineering and Transportation Services
- Planning Services
- Building Services

#### **CONCLUSION:**

It is the opinion of staff that Council should declare the Laneway surplus, enact a by-law to stop-up and close as part of public highway (attached as "Appendix D"), direct staff to dispose of the property to 26 Norfolk Avenue exclusively, and to set aside the Road/Lane/Walkway Closing Procedures (amended 2008).

#### **REPORT IMPACTS:**

Agreement: **Yes**

By-law: **Yes**

Budget Amendment: **No**

Policy: **Yes**

**APPROVALS:**

This report has gone through the appropriate workflow and has been reviewed and or approved by the following as required:

**Director**

**Deputy City Manager**

**Chief Financial Officer**

**City Solicitor**

**City Manager**

**ATTACHMENTS:**

1. 25-028-OCM Appendix A – Laneway Closing Procedures
2. 25-028-OCM Appendix B – Reference Plan 58R-22105
3. 25-028-OCM Appendix C – Aerial Diagram
4. 25-028-OCM Appendix D – Draft By-Law to Close Laneway