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**To:** Mayor Glover and Members of Council  
**From:** Samantha Woods, Land and Agreements Coordinator  
**Date:** 03 Jun 2025  
**Subject:** Land Disposition of Township-owned Properties (Bigwin Island)

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### Location

Roll Nos.: 4427-010-022-04800-0000 & 4427-010-022-06401  
Civic Address: vacant properties – Bigwin Island

### Report Highlights

- Further to a staff report and direction by Council to investigate the option of potential development of some or all of the parcels that may be suitable for development, pending a comprehensive legal, historical and planning review Senior Management has conducted a comprehensive review and investigation of these owned properties
- Seeking Council's direction to declare the two Bigwin Island properties as surplus

### Recommendation

**WHEREAS** the Council of the Corporation of the Township of Lake of Bays receives the staff report "Land Disposition of Township-owned Properties (Bigwin Island)", dated June 3, 2025.

**AND WHEREAS** on February 13, 2024, staff presented a report outlining Township-owned properties and Resolution TC-39-2024 was passed directing staff to conduct a comprehensive review and investigate some Township-owned properties that are suitable for sale and disposition.

**AND WHEREAS** Senior Management have reviewed and selected a number of Township-owned properties that can potentially be disposed of.

**BE IT RESOLVED THAT** the Council of the Corporation of the Township of Lake of Bays declares the following Township-owned real properties to be surplus, approved for sale and to be listed with the Township's Realtor of Record:

- Part Lot 28 and Part Lot 29, Reserve E, Plan 10 Bigwin Island, former Township of Franklin, now in the Township of Lake of Bays, in the District Municipality of Muskoka (Township-owned Land)(32 Bigwin Island)(Property Roll 4427-010-022-04800)

- Part Lot 44 Plan 10, Part 1 & 6 on 35R-11255, Bigwin Island, former Township of Franklin, now in the Township of Lake of Bays, in the District Municipality of Muskoka (Township-owned Land)(Lot 44 Bigwin Island)(Property Roll 4427-010-022-06401)

**AND FURTHER THAT** the Director of Corporate Services/Clerk, is hereby instructed to dispose of the said properties pursuant to listing with the Realtor of Record and be authorized to establish listing values for the subject properties.

**AND FURTHER THAT** the Director of Corporate Services/Clerk, in consultation with the CAO and the Township solicitor, be authorized to negotiate the final purchase price and the terms and conditions of Agreements of Purchase and Sale (APS).

**AND FURTHER THAT** the Mayor and Director of Corporate Services/Clerk be authorized to execute any documentation necessary to give effect to the sale and transfer of the subject properties.

## Origin

At the February 13, 2024 Council meeting the Director of Planning presented a [staff report](#) that reviewed some Township-owned properties and the following resolution was passed.

*“Resolution TC-39-2024*

*WHEREAS the Council for Corporation of the Township of Lake of Bays receives the staff report “Review of Township-owned properties”, dated February 13, 2024,*

*BE IT RESOLVED THAT the Council for Corporation of the Township of Lake of Bays directs staff to proceed with the following steps and return to Council with further direction once a comprehensive review is completed:*

- 1. Investigate the option of disposition of some or all of the remnant parcels that are suitable for sale and other disposition in accordance with the Township’s Sale and Other Disposition of Land Policy and Procedures, pending a comprehensive legal and historical review (Category 1 properties);*
- 2. Investigate the option of potential development of some or all of the parcels that may be suitable for development, pending a comprehensive legal, historical and planning review (Category 2 properties); and*
- 3. Maintain the status quo for those properties that currently contain Township infrastructure and/or public uses, including those waterfront properties that lead to water and/or provide a public access/use on water (Category 3 properties).*

*Carried”*

## Analysis History

Staff have included some history regarding the two Bigwin Island properties for Council's consideration.

4427-010-022-04800 – Part Lot 28 & Part Lot 29, 32 Bigwin Island

1981 – Ownership was vested in the Township for tax arrears.

2012 – July 10, 2012, a staff report was presented at Finance and Corporate Services Committee regarding the Status of Surplus Lands (Bigwin Island) and were directed via Resolution #6(d)/07/10/12 to proceed with alternative 2 to survey the property, obtain an opinion of value, conduct a site visit and retain for future consideration.

October 24, 2012 plan 35R-24004 prepared by Tulloch Geomatics was registered that described the property as Parts 1 and 2 on the said plan.

2015 – November 17, 2015 during budget deliberations Council passed Resolution #6(h)(iv)(c)/11/17/15 directing staff to bring a report forward regarding the potential sale of the Bigwin Property (larger of the two) in early 2016.

2016 – June 21, 2016, Council meeting a [staff report](#) was presented and Resolution #6(f)(iii)/06/21/16 was approved postponing any decisions or considerations with respect to this property until the comprehensive parkland review is completed and a strategy is developed to establish land acquisition and disposition strategies.

2023 –March 14, 2023 the [Parks, Open Space and Recreation Strategy](#) was presented and received by Council. Recommendation PT 77 “Undertake a feasibility study for developing a park at Bigwin Island.”

4427-010-022-06401 – Lot 44 on Bigwin Island

1992 – Ownership was vested in the Township under the Municipal Tax Sales Act.

2000 - October 3, 2000, Council meeting, Council reviewed a letter submitted by an adjacent property owner requesting permission to purchase the subject property. Council directed staff to advise the Township would like to retain the subject property and was not interested in selling this property at this time.

2004 - April 6, 2004, Council meeting, a staff report was presented regarding an inquiry to purchase municipal land (Bigwin Island) that was received from an adjacent property owner. The Planning Department recommended retaining the said property until a comprehensive public open space, parkland & recreation strategy was developed. Council passed Resolution 7(e)(i)(c)/04/06/04 “*to retain title of said property...for public parks purposes.*”

2011 - July 19, 2011, Council meeting, a [staff report](#) was presented regarding Potential Surplus Lands and passed Resolution (\*\*steamed from FCS) #8(c)(iii)/07/19/11 directing staff

to proceed with the sale of the property by public tender with a minimum bid of \$210,000 and rescinded Resolution 7(e)(i)(c)/04/06/04.

Staff proceeded with Public Tender 2011-11 and presented a report to Finance and Corporate Services Committee on September 20, 2011, advising no bids were received and Council would need to decide at a later date if they wished to continue with the disposition of the property and how.

## Current

After the February 13, 2024, Council meeting, staff provided direction to the Township solicitor to conduct a title search on a number of Township properties; two specifically were 4427-010-022-04800 (Part Lot 28 & Part Lot 29, Bigwin Island) & 4427-010-022-06401 (Part Lot 44 on Bigwin Island). Those two title searches concluded that the lands are registered in Township ownership and provide clear title.

With respect to 4427-010-022-04800, concerns regarding escheat or forfeiture of the land were raised and the Township solicitor conducted additional title searching, obtained corporate profile report information from the Province, and contacted the Forfeited Corporate Property, Realty Division of the Ministry of Infrastructure. After providing search materials to the Ministry for review, the Township's solicitor was advised that this property is not considered forfeited corporate property under the applicable legislation and the Ministry has no ongoing jurisdiction over the property.

At the October 8, 2024 Council meeting the Director of Corporate Services/Clerk presented a [staff report](#) updating the Sale and Other Disposition of Land Policy and staff were directed by Resolution TC-248-2024 to prepare and post a Request for Proposal (RFP) for the Provision of Professional Real Estate Services (Realtor of Record).

RFP 2024-012 was issued and awarded to Chestnut Park Real Estate Brokerage, Baysville.

Regarding property 010-022-04800, the Parks, Open Space and Recreation Strategy recommended a \$60,000 feasibility study be conducted to fully understand the opportunities, challenges and costs associated with the project. The Superintendent of Parks & Facilities has advised the land is not easily accessible due to the rocky shoreline. Garbage and maintenance would be an issue and difficult to monitor as it is water access. The amount of staff time required to maintain a park on Bigwin Island would exceed current staffing levels and therefore did not recommend Council consider retaining this land for the purpose of a public park.

In accordance with the Township's Acquisition, Sale and Disposition of Land Policy AD-2.6, staff have utilized the Property Highlights from the February 13, 2024, staff report and added some additional information for both properties (Appendix 'A' – Bigwin Island Property Highlights).

Ashley Jeffery of Chestnut Park Real Estate Brokerage provided current Opinion of Values for both properties with recommended selling prices:

- 4427-010-022-04800 – (32 Bigwin Island) = up to \$850,000

- 4427-010-022-06401 – Lot 44 on Bigwin Island = up to \$550,000

Should Council wish to dispose of the two Bigwin Island properties, it would be in the municipality's best interest to utilize the Township's Realtor of Record who has appropriate sales experience, local market awareness, marketing strategies and resources to dispose of the subject lands once they have been declared surplus by Council at current market value.

## Financial Implications

The sale of the subject lands will be subject to legal and real estate fees. When acting as the Township's agent for a land sale, the commission for the Realtor of Record is 5% of the selling price, plus HST. If the individual agent also represents the buyer on a Township land sale, the commission rate will be reduced to 4%.

As the Township's Realtor of Record is compensated on a commission basis, the Realtor of Record is motivated to obtain the highest value when acting on behalf of the Township.

## Alternatives

Option 1: Declare Township-owned lands as surplus

- Township can proceed with listing the properties with the Township's Realtor of Record;
- Sale of land will provide immediate revenue and ongoing tax revenue;
- Will remove liability from the Township
- The Township will incur expenses in the sale of these properties however, will be offset by the purchase price (i.e. survey, advertising, legal).

Option 2: Maintain ownership of Township-owned lands

- The land would remain in public ownership

## Approved by:

Carrie Sykes, Director of Corporate Services/Clerk  
Geoff Carleton, Chief Administrative Officer

Approved - 13 May 2025

Approved - 14 May 2025

## Attachments:

[Appendix A - Bigwin Island Property Highlights](#)

## References:

- *Municipal Act, 2001, S.O. c.25*
- AD-2.6 Acquisition, Sale and Other Disposition of Land Policy (effective October 8, 2024)
- Staff Report – April 6, 2004 – Inquiry to Purchase Municipal Land (Bigwin Island)
- [Staff Report – July 19, 2011 – Potential Surplus Lands](#)
- Staff Report – July 10, 2012 – Status of Surplus Lands (Bigwin Island)
- [Staff Report – June 21, 2016 – 32 Bigwin Island – Township Owned Property \(010-022-04800\)](#)
- [Staff Report – February 13, 2024 - Review of Township-owned properties](#)

- [Staff Report – October 8, 2024 - Proposed Updates to Sale and Other Disposition of Land Policy \(AD-2.6\)](#)
- [Parks, Open Space and Recreation Strategy dated March 2023](#)
- Resolutions: 6(d)/07/10/12, 6(h)(iv)(c)/11/17/15, 6(f)(iii)/06/21/16, 7(e)(i)(c)/04/06/04, 8(c)(iii)/07/19/11, TC-39-2024, TC-248-2024
- Property Roll File (Laserfiche) re: 4427-010-022-04800 & 4427-010-022-06401
- Opinion of Values – Chestnut Park Real Estate Brokerage
- Appendix A – Bigwin Island Property Highlights

## Appendix 'A' - Bigwin Island Property Highlights

<b>Ownership</b>	The Corporation of the Township of Lake of Bays
<b>Title Search</b>	Completed
<b>Legal Description</b>	Reserve E Plan 10 Franklin; Part Lot 28-29 Plan 10 Franklin as in DM160939; Lake of Bays being part of Bigwin Island
<b>Size (acres) Frontage (ft.)</b>	1.73 acres +/- 720 ft. +/-
<b>Assessed value (MPAC)</b>	\$821,000 (vacant residential/recreational land on water)
<b>Opinion of Value</b>	Up to \$850,000
<b>Utility Services</b>	<b>Electricity:</b> Unknown <b>Natural Gas:</b> Unknown <b>Water &amp; Wastewater:</b> N/A
<b>Planning</b>	<ul style="list-style-type: none"> <li>• <b>Planning Permit Area:</b> Waterfront Residential (WR) with Waterfront Environmental Protection (WEP) along a portion of the shoreline</li> <li>• <b>Moderate</b> wildland fire hazard rating</li> </ul>
<b>Building</b>	Buildable lot - require individual access point agreement
<b>Parks</b>	Not easily accessible to the public as shoreline is rocky. Garbage and maintenance would be an issue and difficult to monitor. The Parks, Open Space and Recreation Study recommended a \$60,000 feasibility study be conducted however, the amount of staff time required to maintain a park on the island would exceed current staffing levels.
<b>Site Features</b>	<b>Access/road frontage:</b> N/A (water access only) <b>Constraints:</b> <ul style="list-style-type: none"> <li>• Steep slopes throughout</li> <li>• Type 1 Fish Habitat along a portion of the shoreline, Type 2 Fish Habitat on remainder</li> <li>• Lake of Bays is a coldwater, lake trout lake</li> <li>• Deer Wintering Habitat (Stratum 2) along rear portion</li> <li>• Portion within static flood line elevation</li> <li>• Reserve and lot on a plan of subdivision</li> </ul>
<b>Current use/ surrounding area</b>	<ul style="list-style-type: none"> <li>• <b>Buildings/Structures:</b> Vacant</li> <li>• <b>Surrounding area:</b> waterfront residential, with resort commercial/open space to the rear</li> </ul>
<b>Notice of Circulation &amp; Meeting</b>	<ul style="list-style-type: none"> <li>• Mailed to abutting neighbours</li> <li>• Notice of Intent to Dispose of Surplus Property – will be posted on MLS and on Township website.</li> </ul>

**Water access lot on Bigwin Island**  
**Waterbody: Lake of Bays**  
**Roll No. 4427-010-022-04800**  
**PIN: 48063-0861 (LT)**



## Appendix 'A' - Bigwin Island Property Highlights

<b>Ownership</b>	The Corporation of the Township of Lake of Bays
<b>Title Search</b>	Completed
<b>Legal Description</b>	Part Lot 44 Plan 10 Franklin, Parts 1 & 6 Plan 35R-11255; Lake of Bays being part of Bigwin Island
<b>Size (acres) Frontage (ft.)</b>	0.58 acres +/- 160 ft. +/-
<b>Assessed value (MPAC)</b>	\$336,000 (vacant residential/recreational land on water)
<b>Opinion of Market Value</b>	Up to \$550,000
<b>Utility Services</b>	<b>Electricity:</b> Unknown <b>Natural Gas:</b> Unknown <b>Water &amp; Wastewater:</b> N/A
<b>Planning Comments</b>	<ul style="list-style-type: none"> <li>• <b>Planning Permit Area:</b> Waterfront Residential (WR)</li> <li>• <b>Low</b> wildland fire hazard rating</li> </ul>
<b>Building Comments</b>	Buildable lot - require individual access point agreement
<b>Parks Comments</b>	Lack of features and amenities - No concern with the sale of land
<b>Site Features</b>	<p><b>Access/road frontage:</b> N/A (water access only)</p> <p><b>Constraints:</b></p> <ul style="list-style-type: none"> <li>• Steep slopes throughout</li> <li>• Type 2 Fish Habitat along the shoreline</li> <li>• Lake of Bays is a coldwater, lake trout lake</li> <li>• Portion within static flood line elevation</li> <li>• Deficient in lot area and frontage (existing, undersized shoreline lot)</li> <li>• Lot on a plan of subdivision</li> </ul>
<b>Current use/ surrounding area</b>	<ul style="list-style-type: none"> <li>• <b>Buildings/Structures:</b> Vacant</li> <li>• <b>Surrounding area:</b> waterfront residential with resort commercial/open space to the rear</li> </ul>
<b>Notice of Circulation &amp; Meeting</b>	<ul style="list-style-type: none"> <li>• Mailed to abutting neighbours</li> <li>• Notice of Intent to Dispose of Surplus Property – will be posted on MLS and on Township website.</li> </ul>

**Water access lot on Bigwin Island**  
**Waterbody: Lake of Bays**  
**Roll No. 4427-010-022-06401**  
**PIN: 48063-0813**

