



## Report to Council

Department: Infrastructure Services  
Division: Infrastructure Services  
Date: June 1, 2026  
Prepared by: Kevin Girard, P.Eng., MBA  
Director, Infrastructure Services  
Report Number: Infrastructure Services-2026-03  
Subject: Beach Road Upgrades  
Number of Pages: 8 plus attachments

### Recommendation(s)

**That** Infrastructure Services-2026-03 entitled, “Beach Road Upgrades” prepared by Kevin Girard, Director, Infrastructure Services dated June 1, 2026 be received.

### Purpose

This report is being prepared in response to the following resolution made at the Regular Meeting of Council on August 11, 2025.

### R25-08-385

**That** Council direct Administration to prepare a report outlining the current process and policy for upgrading municipally owned but unassumed roads, with a focus on roads located in the Colchester area. The report should include:

- A list of roads currently under this classification;

- Clarification on options available to residents under the Municipal Act's Local Improvement provisions, including petition requirements and cost-sharing expectations;
- An option for one municipally owned but unassumed road to be brought forward annually for consideration during the Town's budget deliberations; and
- Criteria to prioritize upgrades for roads located in partially developed subdivisions — including, but not limited to, those in the Colchester area — where future growth is expected or encouraged in the Town's Official Plan.

**Moved By** Councillor Matyi

**Seconded By** Councillor Allard

## **Background**

Owned but unassumed beach roads are road allowances that are legally owned by the Town of Essex but were never formally assumed by By-Law, as they were constructed to standards that did not meet the Town's requirements. This was likely due to the fact that the majority of the homes in these areas were built as cottages that were only occupied for the summer months. However, in and around the 1960's, these cottages began to turn into permanent homes. It was generally understood that these roads were not maintained by the Town and the owners

accepted the roads and their standards in an “as-is” state (ie. drainage, maintenance, and snow removal).

As identified in the attached maps, currently there for over forty (40) beach roads not assumed by the Town. A number of these are completely private roads, and others are owned by the Town but have not been assumed. Most of these roads that are owned and unassumed are those that were registered to the Town under old Plans of Subdivision, but that did not meet the engineering standard of the day, and therefore, have received the minimum required maintenance by the Town even from their inception.

On June 17, 2024, as part of Council Report Infrastructure Services-2024-02, Council formally adopted the imposition of the local improvement process as laid out in O.Reg 586/06 for beach road improvements.

When the Town is approached to upgrade an owned and unassumed beach road, it is communicated to the resident(s) that the improvements to the road necessary to bring it to the Town standard for assumption, in accordance with the Town’s Development Standards Manual, must be completed. Such improvements may include, but are not limited to:

- Road Width
- Road Base (Granular thickness)
- Drainage improvements (Municipal Drains under the Drainage Act or Town sewers)
- Underground infrastructure connections/looping

- Relocation of 3<sup>rd</sup> party utilities
- Addressing road crossings and culverts
- Removal of existing obstructions (i.e. trees, brush, boulders, encroachments)
- Acquisition of additional land or establishment of easements
- Removal/Improvement of dead ends
- Signage
- Lighting

The resident(s) is(are) then provided the steps required to proceed with upgrades in accordance with O.Reg. 586/06: Local Improvement Charges – Priority Lien Status. This process would allow the neighbourhood to petition to the Town for the improvement of their unassumed road. The petition would require signatures from at least two-thirds of the affected property owners, representing at least one-half of the assessed property value, in accordance with the legislation. Should the petition be successful, and Council agree to the project through passing of the applicable By-Law, all (100%) of the actual cost will be shared among the benefiting property owners and assessed to each property owner, typically based on their frontage. In addition to the actual costs of upgrades, the following costs are permitted to be assessed to benefiting properties:

- Engineering expenses.
- The cost of advertising and of giving notices.
- Interest on short and long-term borrowing.

- Compensation for lands taken for the purposes of the work or injuriously affected by it, and the expenses incurred by the municipality in connection with determining the compensation.
- The estimated cost of incurring long-term debt, including any discount allowed to the purchasers of the debt.

Once the local improvement project is complete and the road allowance is brought up to Town standards, the Town would assume the road and its future maintenance and replacement similarly to other owned and assumed roads in the municipality.

## **Discussion**

Under the Municipal Act, Council has the authority to undertake improvements to beach roads in the Colchester area. Additionally, it also has the authority to initiate the local improvement process. However, benefiting property owners have statutory rights to object through the legislated petition process. Generally, the Local Improvement process works as follows:

1. Benefiting resident(s) identify a local improvement project and Council requests that Administration prepare estimated costs and an initiating By-Law.
2. Council passes an initiating By-Law.
3. Notice is provided to affected property owners.
4. Property owners may submit a sufficient petition against the project.

5. If a sufficient petition is received, the project cannot proceed for two years unless:
  - the Ontario Land Tribunal approves it,
  - there are public health considerations,
  - or there is a sufficient petition in favour.

What makes the local improvement process the most equitable methodology for beach roads upgrades is that benefiting property owners should be required to contribute toward the cost of upgrades prior to assumption based on the principle that the broader tax base should not bear the full cost of bringing historically deficient infrastructure up to municipal standards where the primary benefit is localized to adjacent properties. This approach is consistent with modern development practices, whereby developers are responsible for constructing infrastructure to municipal standards before assumption by the municipality. Further, that the original purchasers of the properties would not have had to pay for the full cost of servicing the area, and in theory, have delayed it until a later date where it could be improved if the residents no longer wanted to maintain that level of service. This is the case in many communities where the practice of converting cottage properties into permanent homes is occurring.

However, should Council prefer to proceed with incurring costs and proceeding with improvements to beach roads, the procurement of a consultant is recommended to provide options for the annual improvement to one beach road per year and to develop criteria for their improvement. The engineering consultant would be able to review the feasibility, land needs, infrastructure requirements,

cost and priority schedule for these improvements. The estimated cost range for preliminary engineering would be approximately \$200,000 to \$400,000; however, the cost is not easily estimated and would require a request for proposal procurement to provide an accurate cost estimate. Should Council wish to proceed with this direction, Administration is recommending that Council direct administration to include these costs for deliberation in the 2027 Capital Budget.

### **Financial Impact**

There are no financial impacts as a result of this report. However, should the Local Improvement Charges Regulation be used to implement road upgrades, by Council or the public, to owned and unassumed beach roads, Council will need to consider the cost in the passing of the By-Law as part of the legislative process.

In addition, should the road improvements be successfully implemented by the residents and the Town, the Town would need to begin maintaining these roads at the current level of service provided on other owned and assumed roads throughout the municipality. This would result in annual operational costs for the maintenance of these roads. In addition, these roads would become assets of the Town and would be included in our Asset Management inventory for future capital replacement expenditures.

## **Consultations**

Joe Malandrucollo, Director, Legal and Legislative Services/Clerk

Kate Rowe, Director, Corporate Services/Treasurer

### **Link to Strategic Priorities**

- Embrace asset management best practices to build, maintain, and continuously improve our municipally owned infrastructure.
- Leverage our Town's competitive advantages to promote jobs and economic investment.
- Take care of our natural environment and strengthen the sense of belonging to everyone who makes Essex "home".
- Deliver friendly customer service in an efficient, effective, and transparent manner while providing an exceptional working environment for our employees.
- Build corporate-level and community-level climate resilience through community engagement and partnership and corporate objectives.

## Report Approval Details

Document Title:	Beach Road Improvements - Infrastructure Services-2026-03.docx
Attachments:	- Report No. Infrastructure Services-2024-02 - Beach Roads_West.pdf - Report No. Infrastructure Services-2024-02 -Beach Roads_East.pdf
Final Approval Date:	May 25, 2026

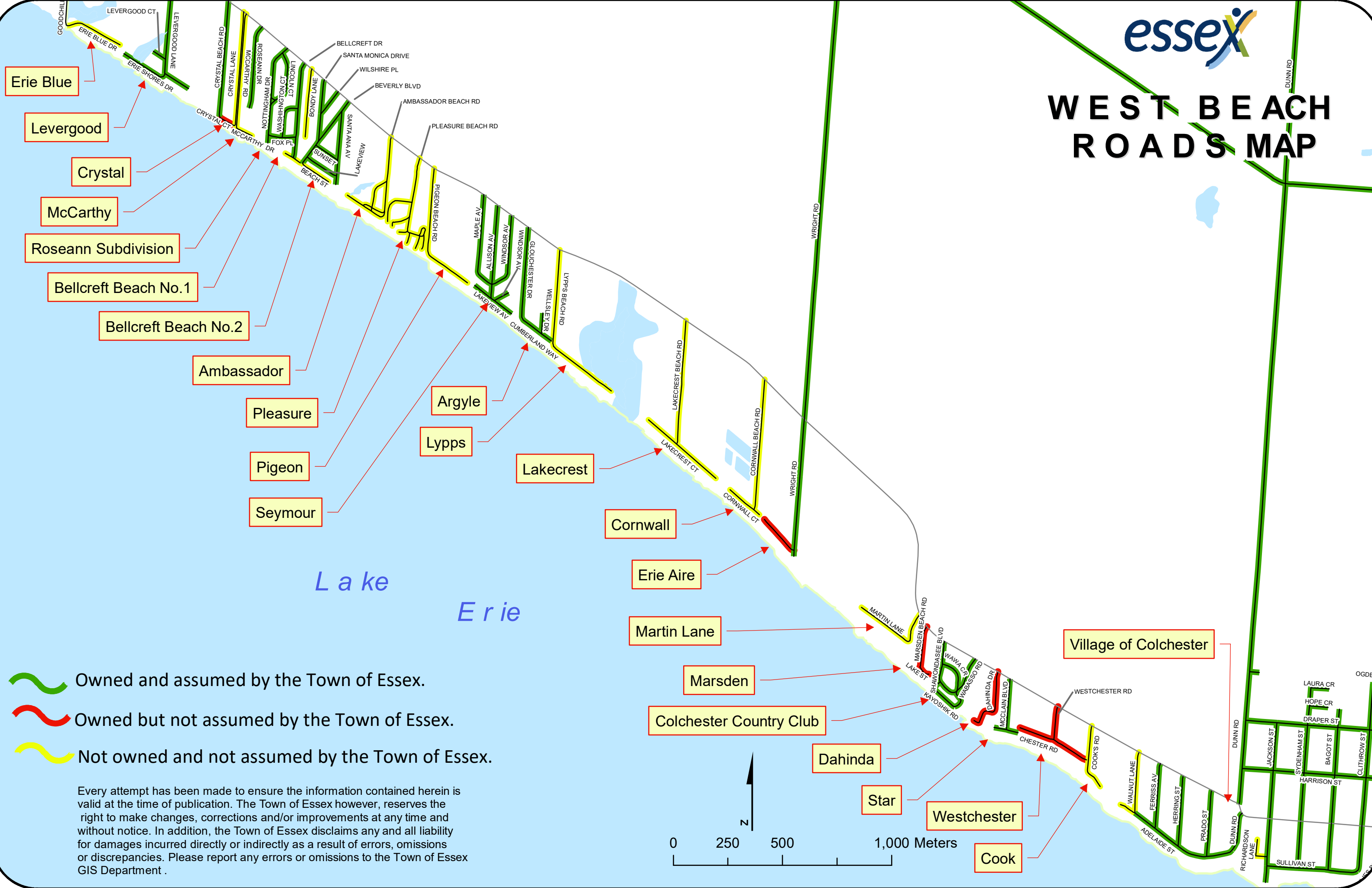
This report and all of its attachments were approved and signed as outlined below:

A handwritten signature in black ink that reads "Kate Giurissevich". The signature is written in a cursive style and is positioned above the printed name and title.

**Kate Giurissevich, Chief Administrative Officer - May 25, 2026 - 11:50 AM**



# WEST BEACH ROADS MAP



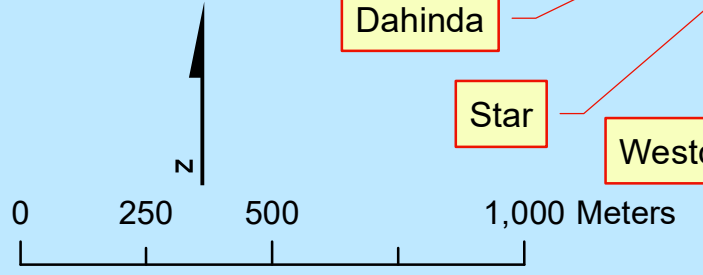
- Erie Blue
- Levergood
- Crystal
- McCarthy
- Roseann Subdivision
- Bellcreeft Beach No.1
- Bellcreeft Beach No.2
- Ambassador
- Pleasure
- Pigeon
- Seymour

- Argyle
- Lypps
- Lakecrest
- Cornwall
- Erie Aire
- Martin Lane
- Marsden
- Colchester Country Club
- Dahinda
- Star
- Westchester
- Cook

Village of Colchester

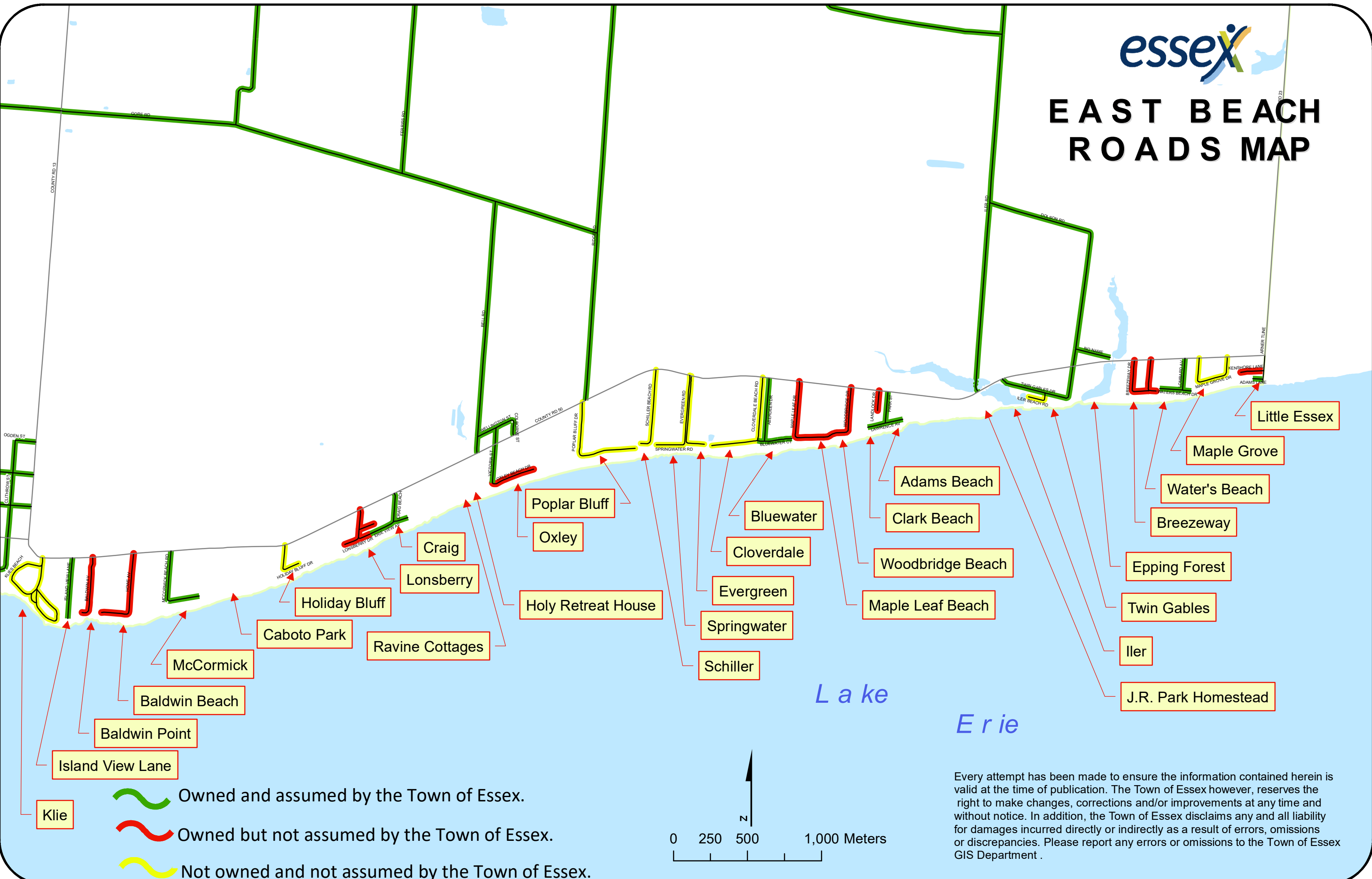
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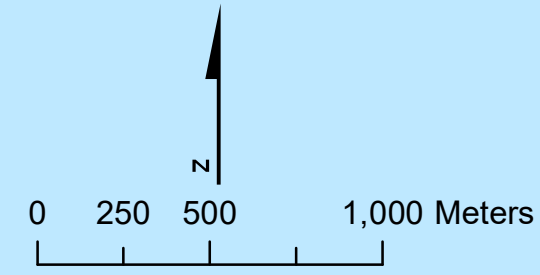


# EAST BEACH ROADS MAP



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