COMMITTEE OF THE WHOLE REPORT

M&C No.	2026-021
Report Date	February 03, 2026
Meeting Date	February 09, 2026
Service Area	General Counsel

Her Worship Mayor Donna Noade Reardon and Members of Common Council

SUBJECT: Initiate Stop-up and Closure for Portion of Old Lake Trail – Civic #81 Old Lake Trail

CLOSED SESSION DISCUSSION REASON
This matter is to be discussed in closed session pursuant to the provisions of subsection 68(1)(d) of the *Local Governance Act.*

OPEN SESSION RESOLUTION REQUIRED?
Yes, resolution and full report to be added to open session

AUTHORIZATION

Primary Author	Commissioner/Dept. Head	Chief Administrative Officer
Curtis Langille	***Melanie C. Tompkins, K.C***	***Kevin Fudge***

RECOMMENDATION

It is recommended that Common Council adopt the following resolution:

1. That a Public Hearing to consider the passing of an amendment to the Street Closing By-law to Close a portion of Old Lake Trail, having an area of 32 square metres, as shown on a Preliminary Plan of Survey titled, "Plan of Survey Showing portion of Old Lake Trail, City of Saint John, Saint John County, New Brunswick" (attached), be set for Monday, March 9, 2026 at 6:30 p.m. in the Council Chamber;

2. That Common Council authorize the publishing of a notice of its intention to consider the passing of such By-law, identified above;

3. In the event that Common Council gives Third Reading to the By-Law Amendment as stated above, and conditional upon the purchaser obtaining and registering a discharge of an existing public utility easement over the impacted lands, that the City sell the property to 708064 N.B. Ltd. for a purchase price of $1,000.00 plus H.S.T. if applicable, and that the purchaser be responsible for:

    a. any plan of survey required to initiate the process for the stop-up and closure for a portion of Old Lake Trail;

b. all costs related to the conveyance of the property from the City to the purchaser; and
c. all costs associated with the removal of any public utility infrastructure and the discharge of the related public utility easement.

4. That the Mayor and City Clerk be authorized to execute the documents necessary to effect the transaction.

EXECUTIVE SUMMARY

In March of 2025, a building permit was issued for the construction of a two-storey dwelling on the subject property at civic #81 Old Lake Trail, located in East Saint John. During the later part of 2025, Building Inspection determined that the structure was not constructed on the lot as per the approved site plan. In fact, a portion of the dwelling and front porch and deck is situated over a public utility easement and onto the street right-of-way (see attached preliminary plan of survey). Interestingly, the public utilities are in fact not located within the registered easement area. Instead, they are located within the street right-of-way. Both utilities (Bell and Saint John Energy) are agreeable to relinquishing the easement and removing any existing infrastructure with all costs to be the responsibility of the property owner. City staff are supportive of the request to stop-up and close a 32 square metre portion of unused street right-of-way to address the building encroachment. If Council is in agreement, the recommendation contained in this report will facilitate the process for this street closure to be considered at a Public Hearing to be set for March 9, 2026.

PREVIOUS RESOLUTIONS

N/A

REPORT

On October 16, 2025 Growth and Community Services (Building Inspection) issued a “stop work order” as it had been identified by the building inspector that the dwelling under construction was situated over the front property boundary and onto the non-travelled portion of the street right-of-way. In addition, there is a public utility easement situated along the front portion of the subject property in favor of Bell and Saint John Energy over which the new building is also encroaching (see attached). An attached sketch illustrates the subject lot and where the “travelled“portion of the street is located in relation to the entire width of the right-of-way. This portion of Old Lake Trail has been constructed off-centre away from the lot in question. There is still significant space (approximately 7.75 metres) between the present front lot boundary and the edge of the curb for the street, providing sufficient spatial separation for aesthetic and practical purposes.

In order to address the building encroachment, the proponent first had to contact the two public utilities to seek their support to remove the easement. In this instance, the utilities happen to not be located within the easement area. Instead, they are located within the street right-of-way. That said, there are two utility boxes that must be moved that are currently situated where the new proposed driveway is to be located. Both Bell and Saint John Energy are supportive to relinquish the easement and have the two utility boxes moved, as long as the cost of doing so is born by the property owner.

The attached plan of survey shows the building encroaching slightly more than one metre into the right-way. The area to be considered for street closure is approximately one additional foot into the right-of-way to allow for legal access around the structure. Although the encroachment does not extend into the right-of-way for the entirety of the lot width, for continuity purposes, the proposed area to be considered for street closure runs the full width of the lot.

City staff and public utilities are supportive of the proposed street closure of 32 square metres, as shown on the attached plan of survey. If Council is in agreement, the recommendation contained in this report will facilitate the Public Hearing for March 9, 2026 to consider an amendment to the By-law respecting the Closing of Roads, Streets or Highways in The City of Saint John.

STRATEGIC ALIGNMENT

This report aligns with the City's priority of PERFORM.

SERVICE AND FINANCIAL OUTCOMES

The proponent is responsible for all costs related to the process to consider a stop-up and closure for the portion of street right-of-way, and the ensuing land transaction. In addition, the proponent is also responsible for all costs associated with the removal of any public utility infrastructure and the related public utility easement. If the 32 square metre portion of land is stopped-up and closed, it is staff's opinion there is minimal market value for this parcel. Therefore, it is recommended that it be sold to the proponent for a nominal fee of $1,000.00 plus HST.

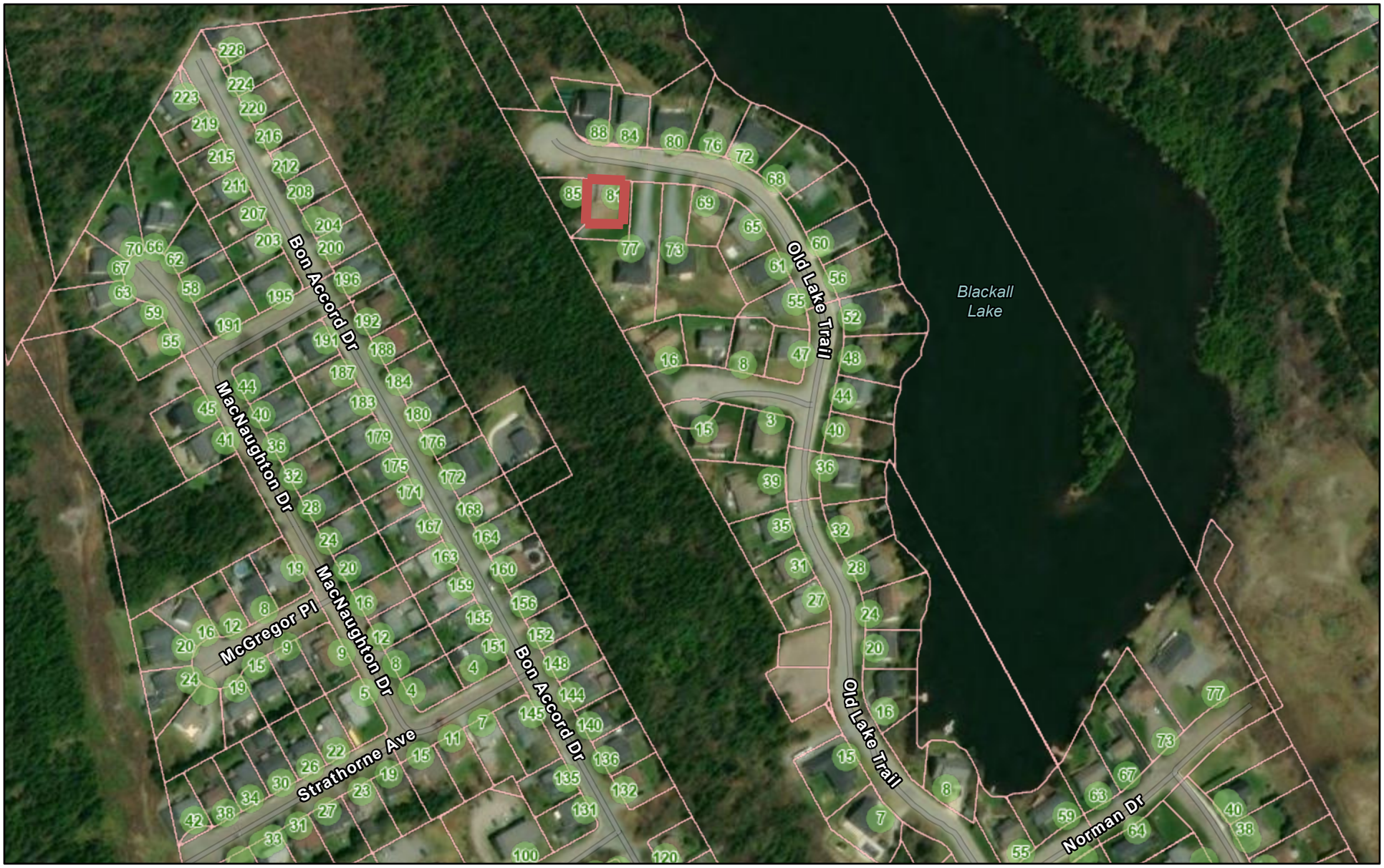
INPUT FROM OTHER SERVICE AREAS AND STAKEHOLDERS

Name of Service Area/Stakeholder	**Name of Staff Person**
Infrastructure Development	Jeremy Clack
Community Planning	Jennifer Kirchner
Building and Technical Services	Pamela Bentley

ATTACHMENTS

1. Location Map;
2. Sketch showing spatial separation; and
3. Preliminary Plan of Survey.

81 Old Lake Trail



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1:4,514

0 0.03 0.06 0.11 mi

0 0.04 0.09 0.17 km

Override 1

Official Civic Addresses

Property Assessment

Property Parcels

Source: Esri, Vantor, Earthstar Geographics, and the GIS User Community, Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, © OpenStreetMap

GIS Viewer

(C) City of Saint John

81 Old Lake Trail

1/27/2026, 3:05:16 PM

Override 1
Official Civic Addresses
Property Parcels
Override 1
Property Assessment

1:564

0 0 0.01 0.01 mi

0 0.01 0.01 0.02 km

Source: Esri, Vantor, Earthstar Geographics, and the GIS User Community, Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, © OpenStreetMap

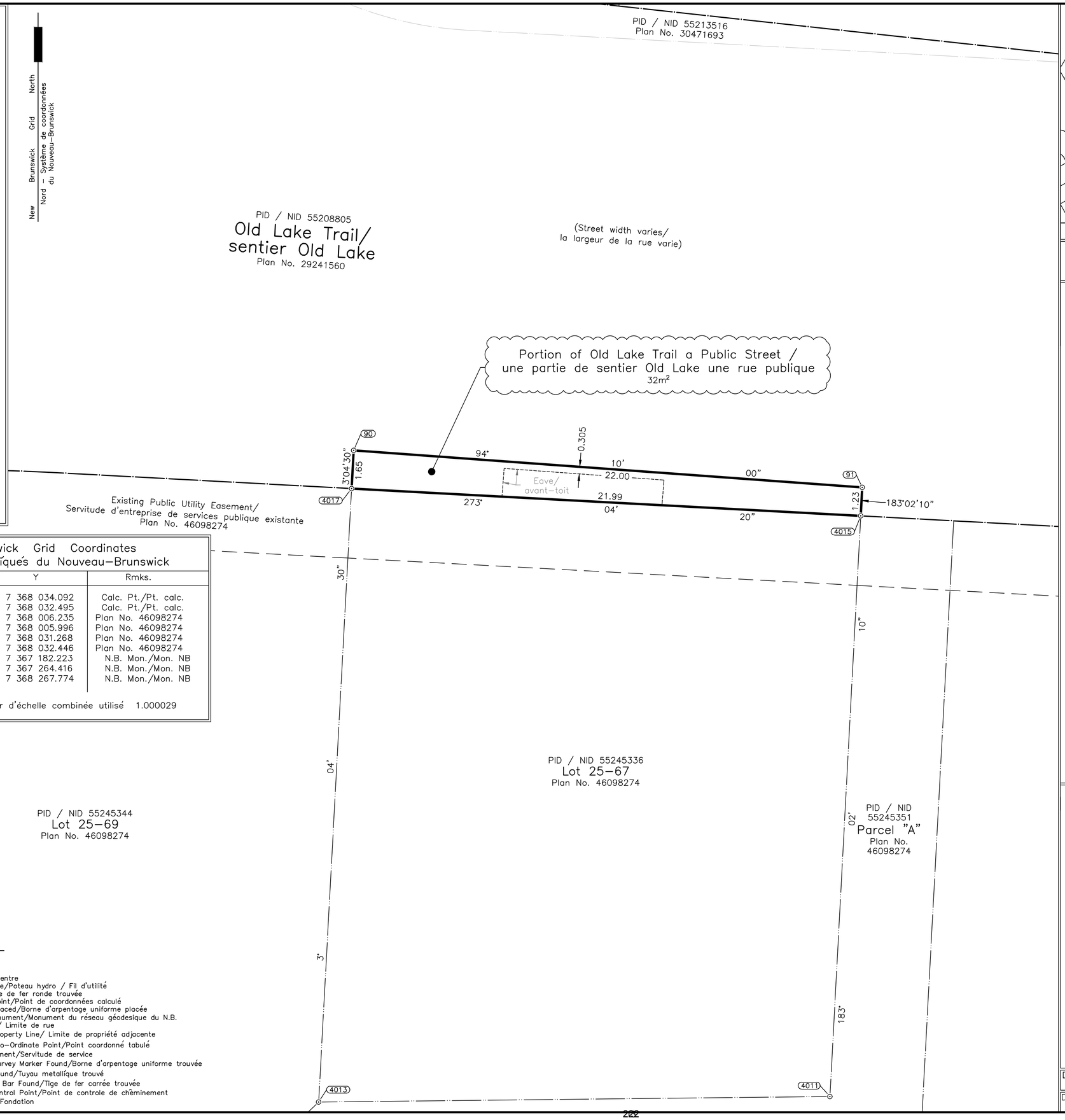
GIS Viewer

(C) City of Saint John

ENDORSEMENTS / APPROBATION

Preliminary ! Préliminaire !

No. _____



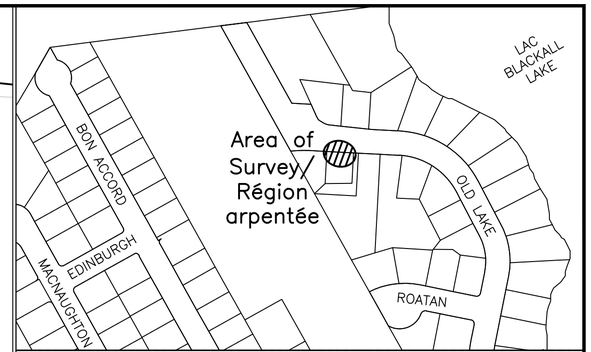
New Brunswick Grid Coordinates coordonnées géodesíqués du Nouveau-Brunswick			
Sta.	X	Y	Rmks.
90	2 540 007.857	7 368 034.092	Calc. Pt./Pt. calc.
91	2 540 029.797	7 368 032.495	Calc. Pt./Pt. calc.
4011	2 540 028.404	7 368 006.235	Plan No. 46098274
4013	2 540 006.348	7 368 005.996	Plan No. 46098274
4015	2 540 029.732	7 368 031.268	Plan No. 46098274
4017	2 540 007.769	7 368 032.446	Plan No. 46098274
14480	2 539 835.110	7 367 182.223	N.B. Mon./Mon. NB
14481	2 540 069.064	7 367 264.416	N.B. Mon./Mon. NB
20022	2 540 768.163	7 368 267.774	N.B. Mon./Mon. NB

Scale Factor applied/Facteur d'échelle combinée utilisé 1.000029

Legend/Légende

- Fence/Clôture
- Structure/Structure
- Centre Line/ ligne de centre
- Hydro Pole / Utility Wire/Poteau hydro / Fil d'utilité
- Round Iron Bar Found/Tige de fer ronde trouvée
- Calculated Co-Ordinate Point/Point de coordonnées calculé
- Standard Survey Marker Placed/Borne d'arpentage uniforme placée
- N.B. Grid Co-Ordinate Monument/Monument du réseau géodesique du N.B.
- Street Line/ Limite de rue
- Adjacent Property Line/ Limite de propriété adjacente
- Tabulated Co-Ordinate Point/Point coordonné tabulé
- Utility Easement/Servitude de service
- Standard Survey Marker Found/Borne d'arpentage uniforme trouvée
- Iron Pipe Found/Tuyau metallíque trouvé
- Square Iron Bar Found/Tige de fer carrée trouvée
- Traverse Control Point/Point de controle de chêminement

Fdn. ..... Foundation /Fondation



Key Plan / Carte de référence Scale / Échelle 1 : 3,000

Registration Data / Information d'enregistrement

see / voir Plan No. 29241560

Notes

1) Directions are New Brunswick Grid Azimuths derived from GNSS.

1) Les directions sont des azimuts géodésique du Nouveau–Brunswick dérivés du GNSS.

2) Distances are in metres.

2) Les distances sont en mètres

3) Distances are horizontal grid distances on the New Brunswick Stereographic Double projection.

3) Les distances sont des distances de quadrillage horizontal sur la projection stéréographique double du Nouveau–Brunswick.

4) All document and plan references refer to Registry Office for Saint John County .

4) Les références des documents et des plans sont du bureau de l'enregistrement du comté de Saint John .

5) Date of field survey: January 21, 2026.

5) La date à laquelle l'arpentage a été exécuté: le 21 janvier 2026.

6) All computations performed and coordinates shown on this plan are based on New Brunswick Stereographic Double Projection and the NAD83 (CSRS) Ellipsoid as realized by Service New Brunswick Adjusted coordinate survey monuments.

6) Les calculs et les coordonnées indiquées sur ce plan sont basés sur la projection stéréographique double du Nouveau–Brunswick et l'ellipsoïde NAD83 (CSRS) tel que réalisé par les valeurs de coordonnées ajustées des repères de Services Nouveau–Brunswick .

7) Area of survey outlined thus ⊙———⊙ , peripheral information compiled from various sources .

7) La région arpentée est montrée ainsi ⊙———⊙ , l'information périphérique fut compilé de diverses sources .

Plan Of Survey / Plan d'arpentage

Showing portion of Old Lake Trail,
Montrant une partie de sentier Old Lake,
City of Saint John,
Ville de Saint John,
Saint John County, New Brunswick.
Comté de Saint John, Nouveau–Brunswick.

HUGHES SURVEYS & CONSULTANTS INC.

Surveyed by / Arpenté par _____ Jan. 21, 2026. 21 janvier 2026. Date

1 : 100 — 2 0 2 4 6 8 meters/mètres

Dwg. No./No. dess.	Disk No./No. disquette	Topos	Disk No./No. disquette
S25266F	2025	S25266	2025

Dwn. by/Dess. par	Job No./No. dossier		Map Ref./Ref. de Carte
M.C.B.	Y25–266		H/05–R3A(NW1)

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