

Staff Report

Presented By: Matt Prentice, Director, Operations

Meeting Date: April 27, 2026

Subject: Eagle Court Petition/Condominium Services Update

Attachment(s): Westlinks Subdivision – Petition to Council
Reference Plan for Eagle Court
Figure 1 - Port Elgin Condo Site Locations
Figure 2 - Southampton Condo Site Locations
Table 1 - Summary of Site Status

Recommendation

That Council receive the Eagle Court Petition/Condominium Services Update report for information.

Report Summary

On January 5, 2026, Eagle Court residents petitioned Council for tax relief due to the lack of municipal services on the private road that is part of a condominium development. This report overviews the situation and advises that the current approach of not providing services or assuming private roads, based on cost and precedent concerns, should be maintained.

Background

Petition

The January 5, 2026 petition to Council (attached) identified two key issues.

- 1) 30% tax relief as compensation for non-receipt of various municipal services, not provided on the private condominium road, Eagle Court. The services listed were curbside garbage pickup, winter control, other road maintenance, streetlights and recycling. As Council is aware, recycling is no longer a municipal responsibility and outside the scope of this report.
- 2) Further, the Petition identifies the reason for the non-receipt of various municipal services is due to the status of Eagle Court as a private road. Eagle Court was constructed to non-municipal standards, as part of a plan of condominium, and development approvals were

provided assuming the road would remain private. The Reference Plan for Eagle Court is attached.

Pre Amalgamation Practices

Attached are two (2) figures showing the location of similar multi-unit residential developments in Port Elgin and Southampton.

In general, there are 23 locations identified by numbers 1-20 on the two maps (note: some numbers denote two locations located beside one another). Two predate amalgamation and receive curbside garbage pickup on a private road (#16 Saugeen Acres, Port Elgin, and #20 Nantucket Village, Southampton). Garbage collection is the only service still provided on those private roads.

In 2021, following a report to Council, a letter was sent by the former Director of Infrastructure and Development to Bruce Condominium Corporation (BCC) # 3 (Waterloo Place, 303 Waterloo Street), identified as #10 on the attached Figure 1. The letter advised that curbside service for garbage and recycling to this location would “cease”. This location has internal private roads and the service ceased after the letter was sent.

It is acknowledged that pre-amalgamation, some services were, and continue to be, provided on private roads. In addition to those shown on the attached maps, there are nine (9) private road locations that are not associated with a condominium or multi residential development. Of these nine, four (4) receive curbside pickup and three (3) receive winter control service from the Town. All these arrangements pre-date amalgamation and were carried forward as existing practices by the Town of Saugeen Shores post-amalgamation.

Analysis

The Petition specifically identified tax equity and the lack of services offered on their private road versus other locations. The following issues are addressed in the next three sections of this report.

1. Tax Equity
2. Private Roads and Service Levels
3. Process Improvements Going Forward

1. Tax Equity

The Petition requests “municipal property tax relief in the amount of 30%, retroactive to date of each unit’s registration, in lieu of Municipal services not received from the Town of Saugeen Shores.” The following points address this request:

- Provincial laws require all residential properties, including condominiums, to be taxed at the same rate. This means municipalities cannot offer special tax rates or provide tax relief based on which municipal services are received. These laws ensure that all residential properties are treated equally for tax purposes, regardless of the specific

services they may or may not receive. As a result, the Town is legally obligated to apply uniform tax rates to all residential properties and cannot make exceptions for condominiums or adjust rates according to the level of municipal services provided.

- Calculating taxes based on individual services received would be unmanageable due to the numerous variables involved. Additionally, the 30% figure cited in the Petition is not supported by actual calculations. The only “missing” municipal services are curbside garbage pickup, local road upkeep, and streetlights.

2. Private Roads and Service Levels

Condominium developments are a form of property development that enables individual ownership of private units within a larger building or complex, while common elements such as corridors, roads, parking facilities, garbage, recycling, lighting, landscaping, and amenity spaces are jointly owned and managed through a condominium corporation. Condominium developments support efficient land use and higher-density development, making it particularly suitable for urban and mixed-use areas.

With respect to roads, it is a common practice for internal private roads to remain under the ownership and maintenance responsibility of the condominium corporation. Any services associated with those roads (i.e. street lighting, garbage pick-up) typically remain the responsibility of the condominium corporation.

Eagle Court is part of a Condominium Corporation located on a 350m long privately owned roadway within the Westlinks subdivision, connecting to Fairway Lane. Like other condominium developments, Eagle Court was designed to support efficient land use and higher-density development by establishing internal private roads. The internal private roads are approximately 6.9m (23 ft) wide, compared to a standard municipal right-of-way of 20 m (66 ft) and the asphalt roadway is only 6.0m (20 ft), whereas the Town’s standard roadway width is 8.5m (28ft). By constructing narrower roads, more efficient land use and higher-density development was achieved.

Conversely, narrow roads have less capacity for snow storage. They also restrict the volume and speed of traffic often result in crowded underground utilities (water, sanitary, gas, hydro, tele-communications, etc.). Narrow roads, if to become municipal roads, pose sightline and encroachment risks and due to the nature of the development, restrict future road widening, utility upgrades, and infrastructure replacement to meet municipal standards. The existing streetlights are also not constructed to Town standard creating compatibility and maintenance issues if the Town were to assume responsibility for the system.

Cost Considerations

The cost of extending curbside garbage pickup and winter control services on Eagle Court is estimated at \$40,000 annually. This does not include the operations and capital cost associated with concrete and asphalt repairs, street sweeping, catch basin cleanout and repairs, operation and maintenance of the streetlights, storm and sanitary sewers, and water services, all of which are currently private.

More significant are the cost implications of the precedent that would be set if these services were extended to Eagle Court. The cost of extending just those two services (curbside garbage pickup and winter maintenance) to the other similar developments could exceed \$300,000 annually. BASWR staff have expressed reservations about insurance liability on private roads and have specific access concerns about many sites. Public Works staff have similar reservations related to insurance liability and have expressed concern around winter control capacity with existing resources and impacts to service timing related to the nature of the internal, narrow roads (requiring potential snow haulage).

3. Process Improvements Going Forward

Roads within a condominium development are designed to be private. Since amalgamation, the Town has pursued a consistent approach of not providing curbside garbage pickup and other municipal services on private roads. To reinforce this through the condominium approval process while improving clarity, consistency and public awareness to prevent future misunderstandings, it is recommended the Town:

- A**-Require internal roads to be clearly identified as private common elements in the condominium description and agreements which would result in clear signage on these roads.
- B**-Require appropriate warning clauses in purchase and sale documents as conditions of approval, thereby advising prospective owners that municipal services will not be provided on private roads.
- C**-Secure provisions through development agreements whereby it is the condominium corporation's responsibility for ongoing maintenance and operation of the internal road network.
- D**-Remind the public and the real estate community that when an individual purchases a property within a condominium development, they are required to be provided a copy of the Corporations Status Certificate that includes the details of the Condominium By-laws, outlining clearly to the purchaser the roles and responsibilities of the Corporation and its owners.

Unless directed otherwise, it is the intention to continue the current services levels including maintaining services to the two "grandfathered" locations. It is also the intention to take additional steps to clearly define expectations for all existing and future developments, including the improvements **A** through **D** listed above. This approach avoids the significant financial, operational and liability impacts of expanding services. This approach also avoids the hardship associated with removing long-standing services in the "grandfathered" locations. Further, this approach provides clarity and addresses misperceptions about municipal services levels on private roads.

Linkages

- Strategic Plan Alignment: Pillar 1: Meeting the Needs of a Growing Community
- Business Plan Alignment: Operations Business as Usual

Financial Impacts/Source of Funding

No costs or revenue is associated with this report.

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