

**PETITION FOR PRIVATE
RIGHT OF WAY
OF SUSAN SHEEHAN**

Karen E. MacDonald
Solicitor

Background

5 and 9 Milton Drive

APPENDIX "C"



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Why doesn't 9 Milton Drive have a driveway?

- Ms. Sheehan's father purchased the property in 1963
- Deed included right to construct a carriage way
- Court determined this right had been abandoned
- No common law remedy available



The Private Ways Act

- It is in Council's discretion whether or not to grant Ms. Sheehan's petition
- If not granted, that is the end of the matter
- If granted, Council appoints a Commissioner
- Commissioner's final report is provided to Council and Council makes final determination



Recommendation

It is recommended that:

1. Council appoint a Commissioner pursuant to Section 17 of the *Private Ways Act*, to consider the petition of Susan Sheehan; and
2. Before the Commissioner is engaged, Council enter into an agreement with Susan Sheehan for reimbursement to HRM of any and all expenses incurred by HRM as the result of Ms. Sheehan's petition and which are recoverable by HRM under the *Private Ways Act*. Specifically, all expenses associated with the Arbitrators, and any compensation payable to Dr. and Mrs. Charles Cron.