

THE CORPORATION OF THE TOWNSHIP OF LAKE OF BAYS



REPORT

TO: Mayor & Members of Council  
FROM: Stefan Szczerbak, Planner  
DATE: May 26<sup>th</sup>, 2009  
RE: RELEASE OF SECTION 41 (SITE PLAN) AGREEMENT  
File: D 04/09 LOB  
Applicants: David & Kathleen Cranmer  
Agent: David Currie of Thoms & Currie  
Part Lot 12, Concession 5, Sinclair Ward  
Roll No. 020-005-01701  
Civic Address: 1165 Hutcheson Road

**RECOMMENDATION:**

That Council give three readings to By-law 09-64 to authorize the Mayor and Clerk to execute the release of the existing agreement between the Corporation of the Township of Lake of Bays and David and Kathleen Cranmer for Part 1 on Plan 35R-20820, being in Part of Lot 12, Concession 5, in Sinclair Ward (Roll No. 020-005-01701) and registered on December 19, 2002 as Instrument No. 231794.

**ORIGIN:**

This property formed the retained lands of consent application **B 26/02 LOB**. One of the conditions of the provisional approval of that application was that the applicant enter into a site plan agreement for the retained lands, which the applicant proceeded to do.


During the preparation of a reference plan of the property, it was revealed that the northwest corner of the property was separated from the main part of the property by Hutcheson Road, which was previously the Sinclair Colonization Road. Accordingly, the road formed a natural severance, and the northwest corner of the property was considered a stand alone lot. Sheila Wilson, the owner of the property at that time, then sold this lot to the adjacent landowners, David and Kathleen Cranmer, as a lot addition.

As the site plan agreement had been registered against this portion as well, the agreement continues to apply to the lands purchased by the Cranmers, and they now wish to have the agreement removed from the title of the property. Accordingly, the release agreement would accomplish this.

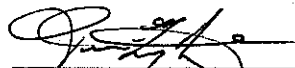
**ANALYSIS:**

Given that the subject lands no longer form part of the primary lands that the agreement pertains to, and that Development Permit By-law 04-180 is in place to regulate the removal of vegetation and accomplishes the same objective as the site plan agreement, staff have no concerns with the release of the agreement.

Respectfully submitted by:

  
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Kelly Stronks, CPT  
Planning Technician

With the concurrence of:

  
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Stefan Szczerbak, M.Sc., RPP, MCIP  
Planner

**CORPORATION OF THE TOWNSHIP OF LAKE OF BAYS  
BY-LAW 09-64**

**BEING A BY-LAW TO AUTHORIZE THE MAYOR AND CLERK TO SIGN DOCUMENTS WITH RESPECT TO THE RELEASE OF A SITE PLAN AGREEMENT BETWEEN DAVID PAUL CRANMER AND KATHLEEN CRANMER AND THE CORPORATION OF THE TOWNSHIP OF LAKE OF BAYS.**

**WHEREAS** the Council of the Corporation of the Township of Lake of Bays deem it necessary to release a portion of a Site Plan Agreement with David Paul Cranmer and Kathleen Cranmer, which agreement had been required as a condition of consent application B 26/02 LOB; and

**AND WHEREAS** the property subject to this Agreement is described as follows:

Part of Lot 12, Concession 5, Sinclair Township, now in the Township of Lake of Bays, in the District Municipality of Muskoka, designated as Part 1 on Plan 35R-20820.

**NOW THEREFORE** the Council of the Corporation of the Township of Lake of Bays hereby authorizes the Mayor and Clerk to sign such documents, relative to the above release Agreement.

**READ** a FIRST and SECOND time this 26<sup>th</sup> day of **May, 2009**.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Deputy Clerk

**READ** a THIRD time and finally passed this 26<sup>th</sup> day of **May, 2009**.

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Mayor

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Deputy Clerk

