

THE CORPORATION OF THE TOWNSHIP OF LAKE OF BAYS



REPORT

TO: Mayor & Members of Council
FROM: Kelly Stronks, Planning Technician
DATE: September 22nd, 2009
RE: CONSENT [51(26)] AGREEMENT APPLICATION
C 04/09 LOB (Hallman Lumber)
Applicant: Willard G. Hallman Lumber Limited
Agent: John P. Gallagher & Associates
Pt Lots 3, 4 & 5, Con. 13, Ridout Ward
Roll No. 030-013-08900
Civic Address: 1080 Narrows Road

RECOMMENDATION:

That application **C 04/09 LOB (Hallman Lumber Limited)**, for an agreement under Section [51(26)] of the Planning Act to fulfill a condition of consent applications **B 36, 37 & 38/07 LOB**, be **APPROVED**, and that Council give three readings to By-law 09-116 to authorize the Mayor and Clerk to sign said agreement between the Corporation of the Township of Lake of Bays and Hallman Lumber Ltd. upon advice from staff that the agreement is satisfactory to the Township of Lake of Bays.

ORIGIN:

Consent applications **B 36, 37 & 38/07 LOB** were provisionally approved by the Committee of Adjustment on October 21st, 2008. One of the conditions of the Provisional Decision was that the applicant enter into a consent agreement with the Township of Lake of Bays under Section 51(26) of the Planning Act to ensure that future owners were aware that a Site Plan Agreement or Development Permit, whichever is applicable, was required prior to development, site alteration, vegetation removal, or issuance of a building permit on the subject lands, and that development shall be in accordance with the sketch prepared by John E. Jackson Surveying Ltd. dated September 12, 2008 which identifies building envelopes and entrance locations. Accordingly, the purpose of this application is to create the agreement, which must be signed by the Mayor and Clerk prior to registration at the Bracebridge Registry Office.

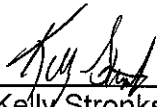
It should be noted that the legal description has yet to be finalized, and that once this information has been received from the applicant, staff will insert that information into the agreement.

ANALYSIS:


Staff have no concerns with the approval of this by-law, as the agreement will fulfill a condition of consent applications **B 36, 37 & 38/07 LOB**, which staff were supportive of.

Respectfully submitted:

With the concurrence of:



Kelly Stronks, CPT
Planning Technician



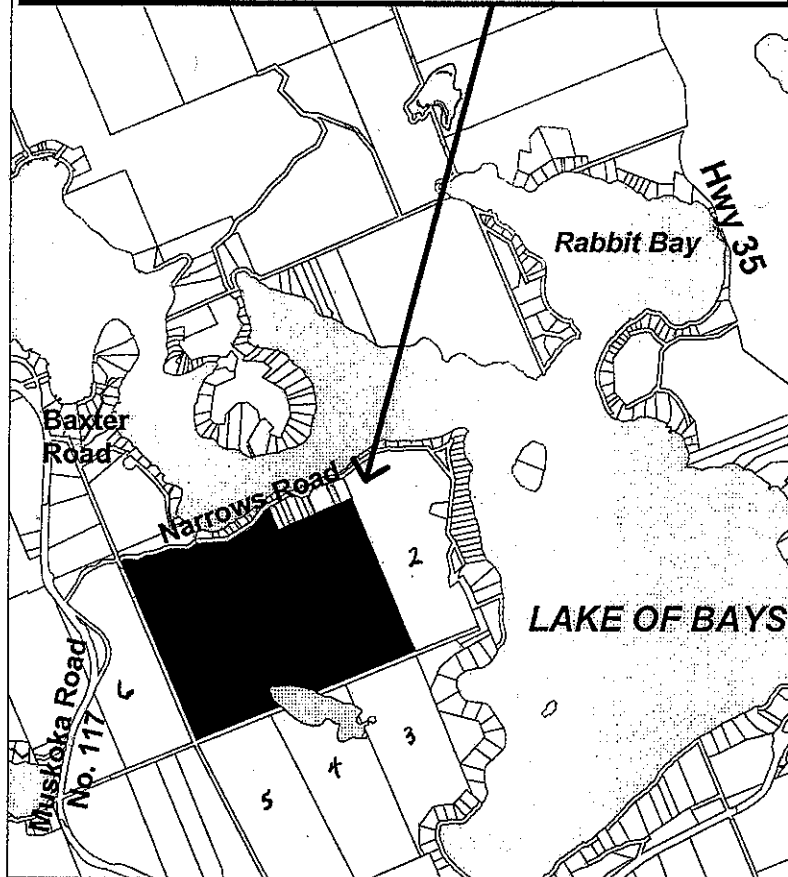
for Stefan Szczerbak, M.Sc., RPP, MCIP
Planner

SUBJECT LANDS

Applications B 36, 37 & 38/07 LOB

Applicant: W.G. Hallman Lumber Limited

1080 Narrows Road



**CORPORATION OF THE TOWNSHIP OF LAKE OF BAYS
BY-LAW 09-116**

BEING A BY-LAW TO AUTHORIZE THE MAYOR AND CLERK TO SIGN DOCUMENTS WITH RESPECT TO A SECTION 51(26) AGREEMENT BETWEEN WILLARD G. HALLMAN LUMBER LIMITED AND THE CORPORATION OF THE TOWNSHIP OF LAKE OF BAYS.

WHEREAS pursuant to Section 51(26) of the Planning Act, R.S.O. 1990, c.P.13, the Council of the Corporation of the Township of Lake of Bays deems it necessary to enter into an agreement with Willard G. Hallman Lumber Limited related to consent application files **B 36, 37 & 38/07 LOB**. The property subject to this Agreement is described as follows:

Part of Lots 3, 4 & 5, Concession 13, Geographic Township of Ridout, now in the Township of Lake of Bays, District Municipality of Muskoka, under Property Roll No. 030-013-08900.

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 noted Agreement.

READ a FIRST and SECOND time this 22nd day of **September, 2009**.

Mayor

Deputy Clerk

READ a THIRD time and finally passed 22nd day of **September, 2009**.

Mayor

Deputy Clerk

THE CORPORATION OF THE TOWNSHIP OF LAKE OF BAYS

SECTION 51(26) AGREEMENT

THIS AGREEMENT made in triplicate this _____ day of _____, 2009.

BETWEEN: WILLARD G. HALLMAN LUMBER LIMITED

hereinafter called the "Owner" of the First Part

AND

THE CORPORATION OF THE TOWNSHIP OF LAKE OF BAYS

hereinafter called the "Township" of the Second Part

WHEREAS the Owner has applied to the Committee of Adjustment for the Township of Lake of Bays for consent to sever certain lands under file nos. **B 36, 37 & 38/07 LOB**, and approval is conditional upon the registration of this agreement;

AND WHEREAS the Committee of Adjustment of the Township of Lake of Bays acting in its capacity as a consent giving body under Section 50(1) of the Planning Act, R.S.O. 1990, Chapter P.13 as amended, as a condition of granting its consent, requires the Owner to enter into this Agreement with the Township;

NOW THEREFORE this agreement witnesseth that the Owner covenants and agrees with the Township on behalf of her heirs, executors, administrators and assigns, as follows:

1. That the Owner covenants and agrees to ensure that the purchasers of that Part of Lots 3, 4 & 5, Concession 13, Geographic Township of Ridout, now in the Township of Lake of Bays, in the District Municipality of Muskoka, as described in Schedule "A" attached hereto, being the severed and retained lots for **B 36, 37 & 38/07 LOB**, are advised that prior to the development, site alteration, vegetation removal, or issuance of a building permit on these lots, a Development Permit, Site Plan Agreement, or equivalent municipal agreement or permit in place at the time of development, is required to be entered into with the Township;
2. That the Owner covenants and agrees to ensure that the purchasers of the lands described in Schedule "A" attached hereto are advised that the Development Permit or Site Plan Agreement, whichever is applicable, shall address Section D.109 (Deer Wintering Habitat) of the Township Official Plan, as well as ensure that development is in accordance with Section H.20 of the Township Official Plan, as well as pertinent provisions of the applicable Township by-law. In addition, the Owner is to advise purchasers that development shall be in accordance with the sketch prepared by John E. Jackson Surveying Ltd. dated September 12, 2008 which identifies building envelopes and entrance locations;
3. That the terms of this Agreement may be enforced by the Township against the Owner, and subject to the provisions of the Land Titles Act, any and all subsequent owners of the land with all the rights of action given the Township by the Municipal Act, R.S.O. 1990, Chapter M.45, Section 199;
4. That in addition to the rights of the Township, as set out in the previous paragraph, the Township shall not be required to issue any municipal permit or provide any municipal services for the use or benefit of the severed or retained parcels during any breach of this Agreement by the Owner or any subsequent owners.

- 5. That the Owner shall not make any application to remove this Agreement from the title to the lands described in Schedule "A" hereto, without the consent in writing of the Township first being obtained.

IN WITNESS WHEREOF the Owner has hereunto set his/her hand and seal, and the Township has hereunto affixed its corporate seal attested to by the hands of its duly authorized officers in that behalf.

**WILLARD G. HALLMAN LUMBER
LIMITED**

I, _____ (Print), have the
authority to bind the Corporation.

**THE CORPORATION OF THE
TOWNSHIP OF LAKE OF BAYS**

JANET PEAKE, MAYOR

MICHELLE PERCIVAL, CLERK

We have the authority to bind the Corporation.

SCHEDULE "A"**Legal Description****SEVERED LANDS for Consent Application B 36/07 LOB:**

Part of Lots 3, 4 & 5, Concession 13, Geographic Township of Ridout, now in the Township of Lake of Bays, District Municipality of Muskoka, designated as Part 1 according to Plan 35R-
_____.

SEVERED LANDS for Consent Application B 37/07 LOB:

Part of Lots 3, 4 & 5, Concession 13, Geographic Township of Ridout, now in the Township of Lake of Bays, District Municipality of Muskoka, designated as Part 2 according to Plan 35R-
_____.

SEVERED LANDS for Consent Application B 38/07 LOB:

Part of Lots 3, 4 & 5, Concession 13, Geographic Township of Ridout, now in the Township of Lake of Bays, District Municipality of Muskoka, designated as Part 3 according to Plan 35R-
_____.

RETAINED LANDS for Consent Applications B 36, 37 & 38/07 LOB:

Part of Lots 3, 4 & 5, Concession 13, Geographic Township of Ridout, now in the Township of Lake of Bays, District Municipality of Muskoka.