

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: APPLICATION to AMEND CONSENT [51(26)] AGREEMENT
C 05/09 LOB (Pelude & Rutherford)
Applicant: Ivar Pelude & Marilyn Rutherford
Pt Lots 1 & 2, Con. 7, Finlayson Ward
Roll No. 020-012-00200
Civic Address: Limberlost & West Dotty Lake Roads - vacant

RECOMMENDATION:

That application **C 05/09 LOB (Pelude & Rutherford)**, to amend the existing agreement under Section [51(26)] Agreement of the Planning Act to fulfill a condition of consent applications **B 28 & 29/07 LOB**, be **APPROVED**, and that Council give three readings to By-law 09-117 to authorize the Mayor and Clerk to sign an amending Section 51(26) agreement between the Corporation of the Township of Lake of Bays and Ivar Pelude and Marilyn Rutherford upon advice from staff that the agreement is satisfactory to the Township of Lake of Bays.

ORIGIN:

Consent applications **B 28 & 29/07 LOB** were provisionally approved by the Committee of Adjustment on November 25th, 2008. One of the conditions of each of the Provisional Decisions was that the applicant amend the agreement (file **C 07/03 LOB** relating to consent applications **B 47 & 48/02 LOB**) that existed on title under Section 51(26) of the Planning Act to reflect the revised legal description. The condition also specified that the amending agreement was to state 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.

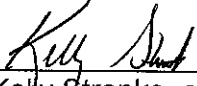
It should be noted that the legal description has yet to be finalized, and that once this information has been received from the applicant, staff will insert that information into the agreement.

ANALYSIS:



Staff have no concerns with the approval of this by-law, as the agreement will fulfill a condition of consent applications **B 28 & 29/07 LOB**, which staff were supportive of.

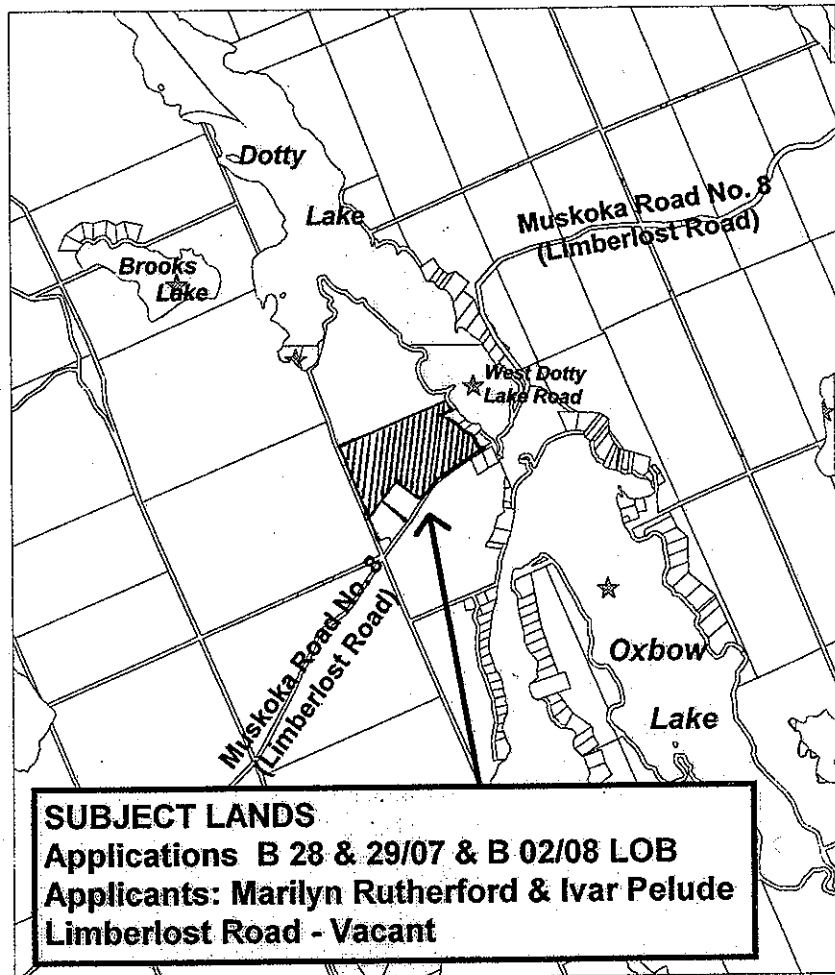
Respectfully submitted:

With the concurrence of:



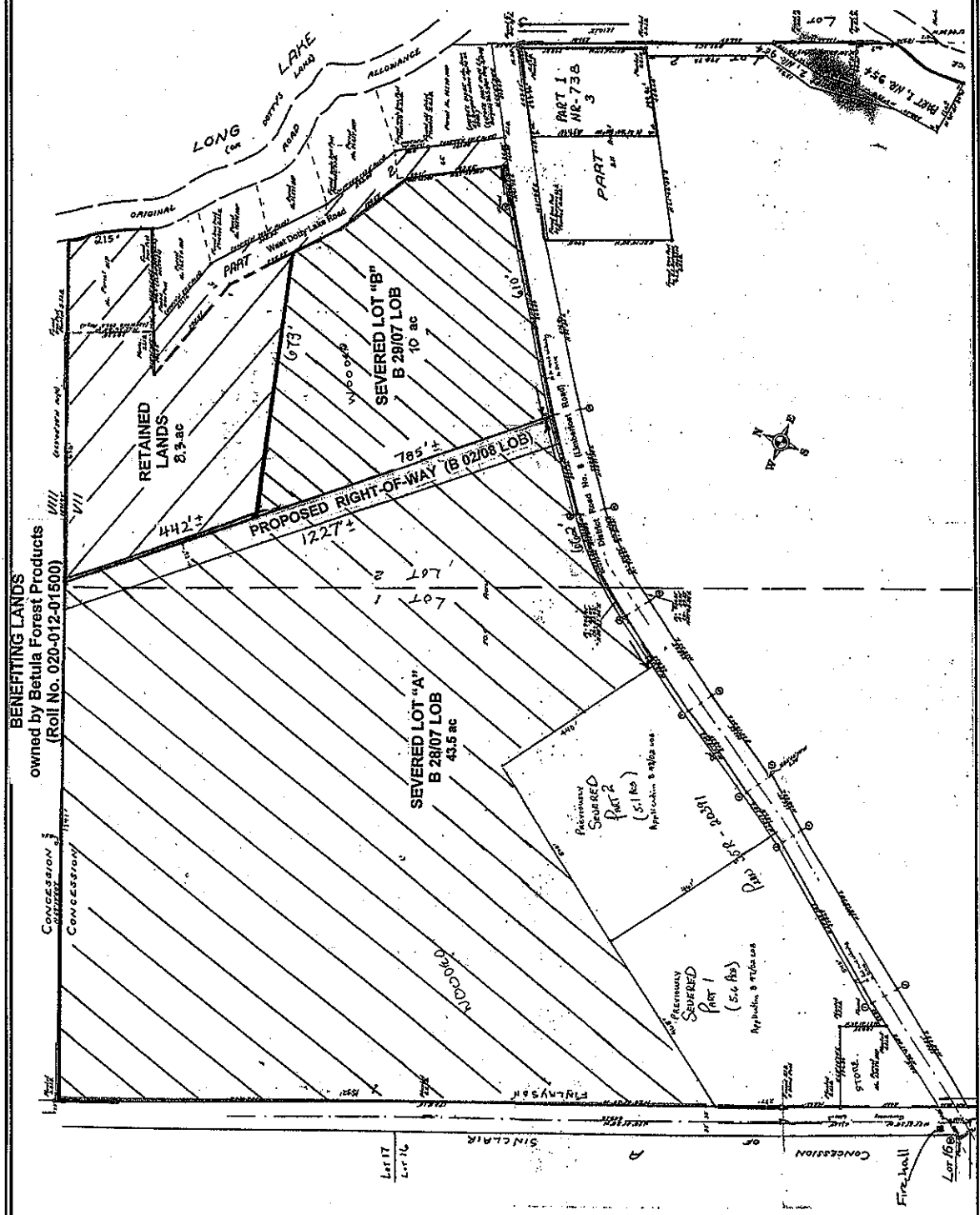
Kelly Stronks, CPT
Planning Technician


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



CONSENT APPLICATIONS B 28 & 29/07 & B 02 LOB

Applicants: Ivar Pelude & Marilyn Rutherford
Part Lots 1 & 2, Concession 7, Finlayson Ward



BENEFITING LANDS
owned by Betula Forest Products
(Roll No. 020-012-01500)

**CORPORATION OF THE TOWNSHIP OF LAKE OF BAYS
BY-LAW 09-117**

BEING A BY-LAW TO AUTHORIZE THE MAYOR AND CLERK TO SIGN DOCUMENTS WITH RESPECT TO AN AMENDING SECTION 51(26) AGREEMENT BETWEEN IVAR PELUDE and MARILYN RUTHERFORD 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 amend an agreement with Ivar Pelude and Marilyn Rutherford related to consent application files **B 28 & 29/07 LOB**. The property subject to this amending Agreement is described as follows:

Part of Lots 1 & 2, Concession 7, Geographic Township of Finlayson, now in the Township of Lake of Bays, District Municipality of Muskoka, under Property Roll No. 020-012-00200.

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

professional engineer. The purpose of this review is to ensure that the existing drainage to the properties to the east is not exacerbated by future development on this lot.

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

MARILYN RUTHERFORD

IVAR PELUDE

THE TOWNSHIP OF LAKE OF BAYS

JANET PEAKE, MAYOR

MICHELLE PERCIVAL, CLERK

We have the authority to bind the Corporation.

SCHEDULE "A-1"

Amended Legal Description of the Lands

FIRSTLY (severed lands of B 47/02 LOB):

Part of Lot 1, Concession 7, in the Geographic Township of Finlayson, now in the Township of Lake of Bays, in the District Municipality of Muskoka, designated as Part 1 on Plan 35R-20391.

SECONDLY (severed lands of B 48/02 LOB):

Part of Lot 1, Concession 7, in the Geographic Township of Finlayson, now in the Township of Lake of Bays, in the District Municipality of Muskoka, designated as Part 2 on Plan 35R-20391.

THIRDLY (severed lands of B 28/07 LOB):

Part of Lots 1 & 2, Concession 7, in the Geographic Township of Finlayson, now in the Township of Lake of Bays, in the District Municipality of Muskoka, designated as Parts 1 & 2 on Plan 35R-_____.

FOURTHLY (severed lands of B 29/07 LOB):

Part of Lot 2, Concession 7, in the Geographic Township of Finlayson, now in the Township of Lake of Bays, in the District Municipality of Muskoka, designated as Parts 4 & 5 on Plan 35R-_____.

FIFTHLY (retained lands of B 28 & 29/07 LOB):

Part of Lot 2, Concession 7, in the Geographic Township of Finlayson, now in the Township of Lake of Bays, in the District Municipality of Muskoka, designated as Part 2 on Plan NR-288, and Parts 3 & 6 on Plan 35R-_____.