

## **PROVISIONAL DECISION**

[The Planning Act, R.S.O. 1990, Chapter 13, Section 45(8)]

Files: **B 09/21 LOB**  
Applicant(s): **Heather Moffat**  
Application for Consent for: **Lot Addition**  
Location: **Part of Lots 19 & 20, Concession 13, Franklin**  
Parent Roll No.: **010-006-07510**  
Date of Decision: **May 28, 2021**

**TAKE NOTICE THAT** in accordance with the delegation of authority to approve uncontested consents through By-law 2020-054, the Township of Lake of Bays Director of Planning Services provisionally approved consent application B 09/21 LOB on May 28, 2021 under Section 53(17) of the Planning Act, R.S.O. 1990, c. P. 13, as amended, to allow a lot addition.

Upon application for consent for the lands described in the above noted file, the decision of the Corporation of the Township of Lake of Bays is as follows:

### **THAT Consent will be GRANTED provided:**

- (1) A draft reference plan of survey is to be submitted to the Director of Planning Services for approval prior to registration. The reference plan must identify the dimensions and lot area of the severed and retained lands shown in Schedule "A", together with any applicable easements, the location of any buildings, structures, driveways and roadways located thereon, as well as any wetland/watercourse locations. An electronic version (i.e. "pdf" format) is also to be provided.
- (2) Following the above condition, submit two copies of a deposited reference plan of survey that confirms the dimensions and lot area of the proposed lot addition, to which this consent approval has been granted. An electronic version (i.e. "pdf" format) is also to be provided.
- (3) That a "Transfer in Preparation" and a "Long Form Certificate" for the severed lands be provided to the Director of Planning Services.
- (4) That the owner of the subject lands request that Septic Permit 2018-141 for a septic on the retained lands, serving a new dwelling and sleeping cabin on the severed lands, be revoked.
- (5) That there be a written undertaking from the acting solicitor that the severed lot subject to consent B 09/21 LOB be joined in title to the abutting benefitting lands, owned by Thomas and Mary Kilner, under Roll No. 010-006-08500. Subsection 50(3) of the Planning Act applies to any subsequent conveyance of a transaction involving the parcel of land that is the subject of this consent. As electronic registration is being used, this approval will involve a two-step process as follows:
  - (a) Creation of the new parcel for lot addition purposes whereupon it will obtain a new Property Identifier Number (PIN) from the Registry Office; and
  - (b) An Application to Consolidate the newly created lot with the benefitting lands. A copy of the draft Application to Consolidate and an undertaking by the acting solicitor to electronically register the application is to be provided. Once the consolidation has been registered, a copy is to be provided to the Director of Planning Services.
- (6) That the owner(s) of the benefitting lot subject to consent B 09/21 LOB, owned by Thomas and Mary Kilner (under roll no. 010-006-08500) enter into a License of Occupation with the Township to address the structures situated on the Original Shore Road Allowance fronting the lot.
- (7) That the owner(s) submit an application to close the Original Shore Road Allowance fronting the subject lands to convey the lands into the same ownership as benefitting lot subject to consent B 09/21 LOB, owned by Thomas and Mary Kilner (under roll no. 010-006-08500).
- (8) That any outstanding balances related to the subject application be paid to the Township of Lake of Bays in accordance with the Cost Acknowledgement Agreement.

**REASONS:**

The Director of Planning Services is satisfied that the consent application generally conforms to the intent of the Township Official Plan and will serve to sever a parcel of land, from 1 retained parcel, and provide to an abutting waterfront property on Peninsula Lake in order to provide additional area to the benefitting lands located at 1072 Shaws Road (roll no. 010-006-08500) owned by Thomas and Mary Kilner.

**CERTIFICATION**

[The Planning Act, R.S.O. 1990, Chapter 13, Section 45(8) and (10)]

I, **MELISSA MARKHAM**, Director of Planning Services of the Corporation of the Township of Lake of Bays, in the District Municipality of Muskoka, certify that the provisional decision for Application **B 09/21 LOB (Moffat)** is a true copy of the provisional decision of the Director of Planning Services with respect to the applications recorded therein.

Dated this 28<sup>th</sup> day of May, 2021.



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Director of Planning Services  
Township of Lake of Bays

**TIME LIMIT FOR FULFILLING CONDITIONS**

Pursuant to Subsection 41 of Section 53 of the Planning Act, all conditions imposed must be fulfilled within **ONE YEAR** from the date of the sending of the Notice of Provisional Decision or the application is deemed to be refused.

It is the requirement that all conditions imposed be fulfilled prior to the granting of this consent and the giving by the Director of Planning Services of the certificate provided for, in Subsection 42 of Section 53 of the Planning Act.

**APPEALING THE DECISION TO THE LOCAL PLANNING APPEAL TRIBUNAL:**

**LAST DAY FOR APPEALING TO THE TRIBUNAL: June 22<sup>nd</sup>, 2021.**

The applicant, and every other agency or person to whom a Notice of Provisional Decision was sent, may appeal the Provisional Decision and/or any conditions imposed to the Local Planning Appeal Tribunal (LPAT) (previously the Ontario Municipal Board). In order to appeal, you must submit a Notice of Appeal setting out written reasons for the appeal and, if applicable, specifying which conditions are being appealed, within twenty (20) days of the giving of this notice. If you wish to appeal the decision, please visit [www.elto.gov.on.ca](http://www.elto.gov.on.ca).

The Notice of Appeal should be submitted to the Director of Planning Services and be accompanied by the required fee(s).

Send to: Director of Planning Services  
Township of Lake of Bays  
1012 Dwight Beach Road  
Dwight, ON P0A 1H0

**Forwarded by email on: June 2<sup>nd</sup>, 2021.**

x.c. Applicant  
Solicitor (if applicable)  
Agent (if applicable)  
Director of Planning Services, District of Muskoka



