

PROVISIONAL DECISION

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

Files: **B 19/21 LOB**
Applicant(s): **Glen & Catherine Alton**
Application for Consent for: **Easement for Right-of-way**
Location: **Part of Lot 5, Con. 8, Ridout Ward on Shoe Lake**
Parent Roll No.: **030-003-07800**
Date of Decision: **October 15, 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 19/21 LOB on October 15, 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 or legal description describing the proposed right-of-way 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 proposed parts for the right of access for which this consent approval has been granted, as shown in Schedule "A". 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 areas of the proposed right of access, 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 easement be provided to the Secretary Treasurer.
- (4) That a 3 metre wide easement to be measured 1.5 metres on either side of the existing Bell Canada aerial facilities over the subject lands, as can be accommodated, be transferred to Bell Canada in order to protect the existing facilities (Transfer of Easement for a Utility Line as Defined in the Ontario Energy Board Act, 1998).
- (5) That the owner(s) of the benefitting lot of B 18/21 LOB & B 19/21 LOB (located at 1360 Shoe Lake Road, roll no. 030-003-10403), owned by Wayne Carman, enter into a License of Occupation with the Township, or that the owner(s) submit an application to close the Original Shore Road Allowance, to address any structures situated on the Original Shore Road Allowance fronting the lot.
- (6) That the owner(s) of the benefitting lot of B 18/21 LOB & B 19/21 LOB (located at 1360 Shoe Lake Road, roll no. 030-003-10403), owned by Wayne Carman, apply for an Unassumed Road Improvement Agreement to permit the use of the Township Road Allowance to access the lot, with confirmation provided to the Director of Planning Services.
- (7) That the owner(s) of the benefitting lot of B 18/21 LOB & B 19/21 LOB (located at 1360 Shoe Lake Road, roll no. 030-003-10403), owned by Wayne Carman, provide confirmation to the Director of Planning Services that the laneway is permitted over Crown Land, or that the owner(s) apply to MNRF to rectify the situation with confirmation provided to the Director of Planning Services.
- (8) That Consent Application B 18/21 LOB (Blair & Powell) be finalized to ensure continuous right-of-way access to the benefitting lot of B 18/21 LOB & B 19/21 LOB (located at 1360 Shoe Lake Road, roll no. 030-003-10403), owned by Wayne Carman.
- (9) That confirmation that the existing private road/laneway will comply with the Building Code as a Fire Department access be provided to the Director of Planning Services.
- (10) 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:

1. 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 provide a right-of-way for vehicular and pedestrian access over the subject lands municipally addressed as 1274 Shoe Lake Road (Roll No. 030-003-07800) containing an existing private road (Shoe Lake Road) to a northerly parcel municipally addressed as 1360 Shoe Lake Road (Roll No. 030-003-10403), owned by Wayne Carman, whereby the right-of-way to this property also crosses public land (Crown and Township).

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 19/21 LOB (Alton)** is a true copy of the provisional decision of the Director of Planning Services with respect to the applications recorded therein.

Dated this 15th day of October, 2021.



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: November 4th, 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.

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: October 15th, 2021.

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

SCHEDULE "A"
CONSENT APPLICATION B 19/21 LOB (Alton)
Part of Lot 5, Con. 8, Ridout Ward
1274 Shoe Lake Road, Roll No. 030-003-07800

