

PROVISIONAL DECISION

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

Files: **B 20/21 LOB**
Applicant(s): **Paul Stephen Warden**
Application for Consent for: **Lot Addition, and to reserve right-of-way**
Location: **Part of Lot 17, Concession 5, McLean**
Parent Roll No.: **040-001-05210**
Date of Decision: **September 30, 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 20/21 LOB on September 30, 2021 under Section 53(17) of the Planning Act, R.S.O. 1990, c. P. 13, as amended, to allow a lot addition and to reserve right-of-way.

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 as well as the reserved right-of-way in favour of the retained lands as 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 as well as the reserved right-of-way in favour of the retained lands, to which this consent approval has been granted. An electronic version (i.e. "pdf" format) is also to be provided.
- (3) That any zoning non-compliances, identified through Condition 1 above, resulting from the proposed severance, be brought into compliance.
- (4) That a "Transfer in Preparation" and a "Long Form Certificate" for the severed lands and right-of-way in favour of the retained lands be provided to the Director of Planning Services.
- (5) That the existing Site Plan Agreement (D 17/04 LOB) for the benefitting lands be amended, or that a Development Permit amendment application be submitted, to include the severed lands.
- (6) That the existing Section 51(26) Agreement (C 10/03) for the subject and benefitting lands be amended to amend the legal description of the lands.
- (7) That the zoning of the severed and benefitting lands be amended to include the severed lands in the same zoning as the benefitting lands, and to address the increased lot area accordingly.
- (8) That the zoning of the retained lands be amended to reflect the reduced lot area with the proposed severance/lot addition.
- (9) That there be a written undertaking from the acting solicitor that the severed lot be joined in title to the abutting benefitting lands, owned by Paul & Cindy Warden, under Roll No. 040-001-05200. 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.

- (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:

The Director of Planning Services is satisfied that the consent application generally conforms to the intent of the Township Official Plan and will sever a parcel of land (being Parts 2 & 3 on Plan 35R-20226), and merge with a corresponding abutting waterfront property on Heney Lake, owned by Paul & Cindy Warden located at 1180 Heney Lake Road (roll no. 040-001-05200) in order to provide additional area and frontage to the benefitting lot, and to reserve a right-of-way over Part 2 on Plan 35R-20226 to access the retained lands.

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 20/21 LOB (Warden)** is a true copy of the provisional decision of the Director of Planning Services with respect to the applications recorded therein.

Dated this 30th day of September, 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: October 20th, 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 POA 1H0

Forwarded by email on: September 30th, 2021.

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

SCHEDULE "A"
CONSENT APPLICATION B 20/21 LOB (Warden)
Part of Lot 17, Concession 5, McLean
Heney Lake Road, Roll No. 040-001-05210

