

**PROVISIONAL DECISION**

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

File: **B 24/19 LOB**  
 Applicant(s): **Mark & Chantal Spiller**  
 Application for Consent for: **Easement for Right-of-way**  
 Location: **Part Lot 1, Con. A, Franklin Ward, on Lake of Bays**  
 Parent Roll No.: **010-019-07602**  
 Date of Decision: **February 25<sup>th</sup>, 2020**

Upon application for consent for the lands described in the above noted file, the decision of the Committee of Adjustment for 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 Secretary-Treasurer for approval prior to registration. The reference plan must identify the dimensions and lot area of the severed lands shown in Schedule "A", together with any applicable easements, the location of any buildings, structures, driveways, roadways and utility lines located thereon, as well as any 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 areas of the proposed right-of-way, 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 Secretary-Treasurer.
- (4) 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 Committee is satisfied that the consent application generally conforms to the intent of the Township Official Plan and will serve to create 20 metre (66 ft) wide right-of-way for vehicular and pedestrian access over an existing private road (known informally as Bull's Run Road) to 23261-30 Hwy 35, owned by 10333832 Canada Inc. c/o Mathew Moxness (Roll No. 010-019-08000) and, together with related application B 18/19 LOB (Lejambe), under Roll No. 010-019-07610 at 23261-32 Hwy 35, will provide for continuous legal access from Highway 35 to the benefitting lot.

  
 Signature of Member of Committee

  
 Signature of Member of Committee

  
 Signature of Member of Committee

  
 Signature of Member of Committee

  
 Signature of Member of Committee

  
 Signature of Member of Committee

  
 Signature of Chair

**CERTIFICATION**

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

I, **KELLY STRONKS**, Deputy Secretary-Treasurer of the Committee of Adjustment of the Corporation of the Township of Lake of Bays, in the District Municipality of Muskoka, certify that the provisional decision for Applications **B 24/19 LOB (Spiller)** is a true copy of the provisional decision of the Committee with respect to the application recorded therein.

Dated this 25<sup>th</sup> day of February, 2020.



Deputy Secretary-Treasurer, Committee of Adjustment  
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 Secretary-Treasurer of the certificate provided for, in Subsection 42 of Section 53 of the Planning Act.

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

**LAST DAY FOR APPEALING TO THE TRIBUNAL: March 19<sup>th</sup>, 2020.**

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 Secretary-Treasurer of the Committee of Adjustment and be accompanied by the required fee(s).

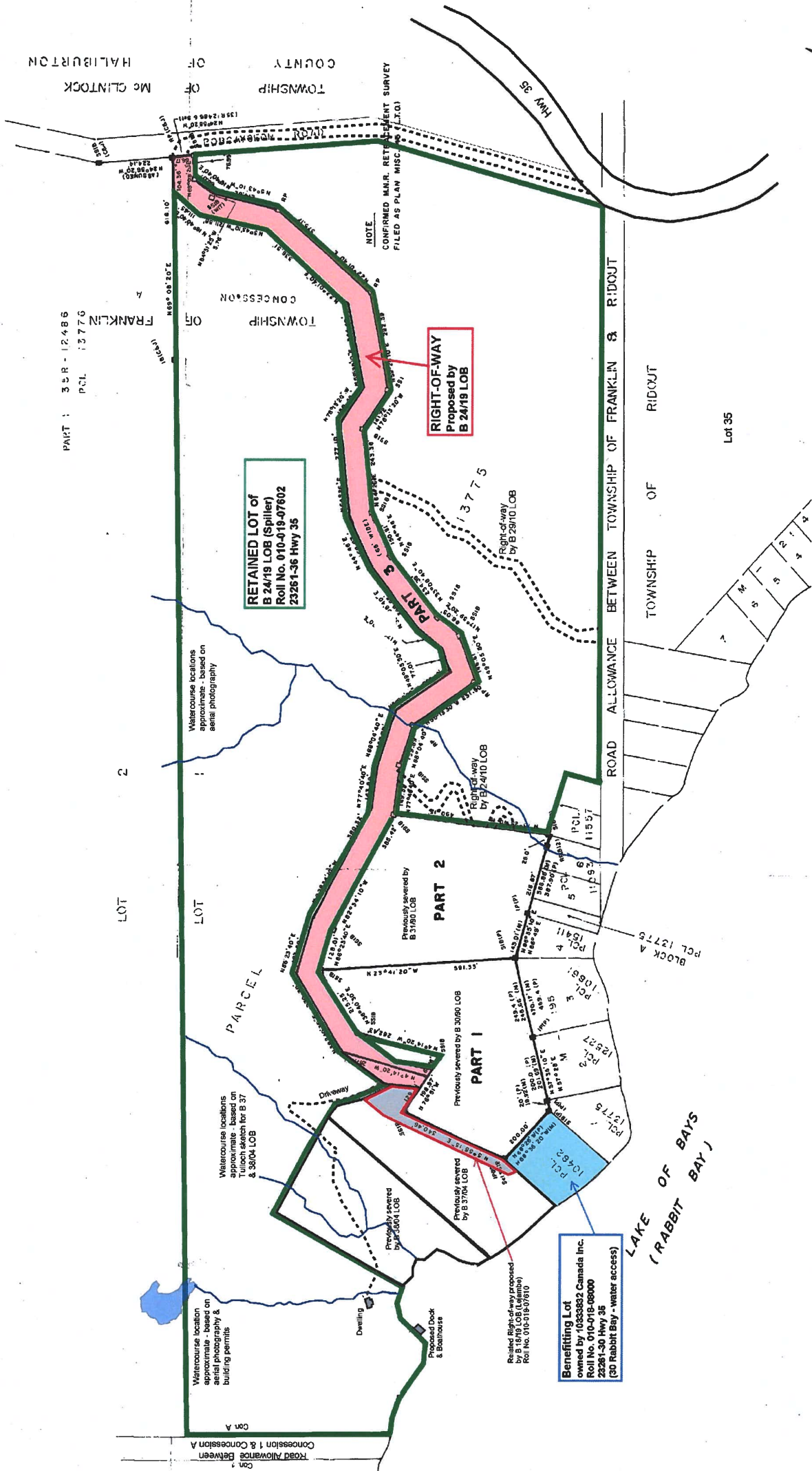
Send to: Secretary-Treasurer - Committee of Adjustment  
Township of Lake of Bays  
1012 Dwight Beach Road  
Dwight, ON P0A 1H0

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**Forwarded by Mail on: February 28<sup>th</sup>, 2020.**

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

**SCHEDULE "A"**  
**CONSENT APPLICATION B 24/19 LOB (Spiller)**  
 Part of Lot 1, Con. A, Franklin Ward  
 23261-36 Hwy 35, Property Roll No. 010-019-07602



PART 1: 35R-12486  
 PCL 13776

RETAINED LOT of  
 B 24/19 LOB (Spiller)  
 Roll No. 010-019-07602  
 23261-36 Hwy 35

RIGHT-OF-WAY  
 Proposed by  
 B 24/19 LOB

Benefiting Lot  
 owned by 05336832 Canada Inc.  
 Roll No. 010-019-09000  
 23261-30 Hwy 35  
 (80 Rabbit Bay - water access)

