
To: Melissa Markham, Director of Planning Services

From: April Best-Sararas, Planner

Date: October 28, 2021

Subject: Consent Applications B 26 & 27/21 LOB (Lagonelbosco Ltd. & Hogg), Part of Lot 9 & 10, Concession 6 (off of Hutcheson Road), Roll Nos. 020-006-03800 & 020-006-03700

Report Highlights

- to provide an easement for a 10.1 metre (33 ft.) wide right-of-way for vehicular and pedestrian access over the subject lands legally described as Part of Lot 10, Concession 6, Sinclair (Roll No. 020-006-03800) and Part of Lot 9, Concession 6, Sinclair (Roll No. 020-006-03700) containing an existing private roadway off of Hutcheson Road to lands to the north, legally described as South part of Lot 8, Concession 7, Sinclair (Roll No. 020-008-08511), owned by Rita Currie, whereby the right-of-way to this property also crosses Township Original Road Allowances
- as these applications are consistent with the 2020 Provincial Policy Statement and generally conform to both the District and Township Official Plans, staff has no concerns with the approval of these applications, subject to the conditions outlined in this report

Recommendation

WHEREAS the Director of Planning Services of the Corporation of the Township of Lake of Bays hereby receives the staff report “Consent Applications B 26 & 27/21 LOB (Lagonelbosco Ltd. & Hogg), Part of Lot 9 & 10, Concession 6 (off of Hutcheson Road), Roll Nos. 020-006-03800 & 020-006-03700” dated October 28, 2021.

BE IT RESOLVED THAT Consent Applications B 26 & 27/21 LOB (Lagonelbosco Ltd. & Hogg) to provide an easement for a 10.1 metre (33 ft.) wide right-of-way for vehicular and pedestrian access over the subject lands legally described as Part of Lot 10, Concession 6, Sinclair (Roll No. 020-006-03800) and Part of Lot 9, Concession 6, Sinclair (Roll No. 020-006-03700) containing an existing private roadway off of Hutcheson Road to lands to the north, legally described as South part of Lot 8, Concession 7, Sinclair (Roll No. 020-008-08511), owned by Rita Currie, whereby the right-of-way to this property also crosses Township Original Road Allowances be

APPROVED subject to the Provisional Decision attached to the staff report as Appendix “B”.

Origin

These applications were received from David Currie on behalf of Lagonelbosco Ltd., Richard Hogg, & Francine Hogg, landowners.

Application

The purpose of these applications is to provide an easement for a 10.1 metre (33 ft.) wide right-of-way for vehicular and pedestrian access over the subject lands legally described as Part of Lot 10, Concession 6, Sinclair (Roll No. 020-006-03800) and Part of Lot 9, Concession 6, Sinclair (Roll No. 020-006-03700) containing an existing private roadway off of Hutcheson Road to lands to the north, legally described as South part of Lot 8, Concession 7, Sinclair (Roll No. 020-008-08511), owned by Rita Currie, whereby the right-of-way to this property also crosses Township Original Road Allowances.

Analysis

Property Information		
Property Location	Roll No. 020-006-03800 (Part of Lot 10, Concession 6)	Roll No. 020-006-03700 (Part of Lot 9, Concession 6)
Official Plan Designation	Waterfront and Rural	Waterfront and Rural
Zoning By-law 2004-180 & 2004-181	Waterfront Residential “WR” in part with a portion of the shoreline Waterfront Environmental Protection One “(WEP1)”, Rural “(RU)” in part, Environmental Protection “(EP)” in part	Waterfront Residential “WR” in part with a portion of the shoreline Waterfront Environmental Protection One “(WEP1)”, Rural “(RU)” in part, Environmental Protection “(EP)” in part
Waterbody	Rebecca Lake	Rebecca Lake
Road	Right-of-way off of Hutcheson Road	Right-of-way off of Hutcheson Road
Existing Buildings and Structures	<ul style="list-style-type: none"> • Vacant 	<ul style="list-style-type: none"> • Vacant
Natural Constraints: <i>obtained from Official Plan & District Web Map</i>	<ul style="list-style-type: none"> • “Type 1” fish habitat along portions of shoreline, with remainder “Type 2” fish habitat • Wetland/watercourse 	<ul style="list-style-type: none"> • “Type 1” fish habitat along majority of shoreline, with remainder “Type 2” fish habitat • Wetland/watercourse

	through central portion of property • Steep slopes 20-40%, and portion >40%	through central portion of property • Steep slopes 20-40%, and portion >40%
Previous/Current Files:	• N/A	• DP 74/07 – to erect dock
Original Shore Road Allowance (OSRA)	• OSRA closed by By-law 2016-051.	• OSRA closed by By-law 2016-051. In addition, the ORA abutting 020-006-03700 & 020-006-03600 was closed by By-law 2016-051.

Appropriateness of the Application

- these applications do not propose the creation of a new lot, but rather will serve to provide the conveyance of a right-of-way for vehicular and pedestrian access containing an existing private roadway off of Hutcheson Road
- Section H.26 states that in order of preference, development of shoreline lots may be permitted with the following access: a) seasonally maintained, public road; b) a private road, with a legal right of way
- the benefitting lands currently have an existing right-of-way access over Part 1 on Plan 35R-2575, whereby Part 1 on Plan 35R-2575 (Roll No. 020-006-04001) is owned by Lagonelbosco Ltd., Richard Hogg, & Francine Hogg and the benefitting lands owned by Rita Currie were granted a permanent right-of-way over these lands in 2012
- Part 5 on Plan 35R-25068 (part of Roll No. 020-006-03600), being the portion of the ORA between Concessions 6 & 7 adjacent to Lot 8, was acquired by Lagonelbosco Ltd. (Hogg) by By-law 2016-051, whereby the benefitting lands owned by Rita Currie were granted a permanent right-of-way in 2016 for access over Part 5
- the Township ORA between Lots 10 & 11, Concession 6 is currently open, whereby the existing road has crossed this ORA for many years. The owners of the subject lands made application to the Township for an exchange of lands, which would grant access over this ORA as well as the remaining ORA between Concessions 6 & 7, Lots 8; however, this application has since been withdrawn
- therefore, the owners will need to enter into an Unassumed Road Improvement Agreement with the Township for access over the ORA between Lots 10 & 11, Concession 6 to grant continued legal access over the ORA that connects the right-of-way over Part 1 on Plan 35R-2575 to Part 5 on Plan 35R-25068
- the existing right-of-way over the subject lands was subject to a Right of Way Agreement in 2000 for a period of 21 years from November 3, 2000 for access to the benefitting lands over an existing logging road (66 ft. in width); whereby the owner of the benefitting lands has given notice to the owners of the subject lands to obtain a permanent right-of-way over the existing road pursuant to the Right of Way

Agreement, with the owners of the subject lands in agreeance with this request

- as these applications are consistent with the 2020 Provincial Policy Statement and generally conforms to both the District and Township Official Plans, staff has no concerns with the approval of these applications, subject to the conditions outlined in this report

Public/Agency Comments:

Clerk's Department

- The OSRA abutting 020-006-03800 & 020-006-03700 was closed by By-law 2016-051 (see attached). In addition, the ORA abutting 020-006-03700 & 020-006-03600 was closed by By-law 2016-051.
- Mr. Hogg had applied for the second portion of his original proposal but has since withdrawn his application.

Building Department

- No concerns.

Public Works Department

- An Unassumed Road Improvement Agreement is required for access over Original Road Allowance between Lots 10 and 11, Concession 6.

Fire Department

- No concerns.

District of Muskoka Planning

- No concerns.

Hydro One

- No comments or concerns at this time.

Alternatives

Upon review of the proposal, the Director of Planning Services of the Corporation of the Township of Lake of Bays may choose one of the following options:

- Deny the applications;
- Defer the applications; or
- Approve the applications (refer to recommendation).

Linkage to the Community-Based Strategic Plan

- Engage and communicate openly with the community;
- Develop long-term land and community plans that are balanced and adaptive;

- Protect, preserve and promote our healthy natural environment.

Date of Report: October 28, 2021

Approvals

Prepared by:

April Best-Sararas, MCIP, RPP
Planner

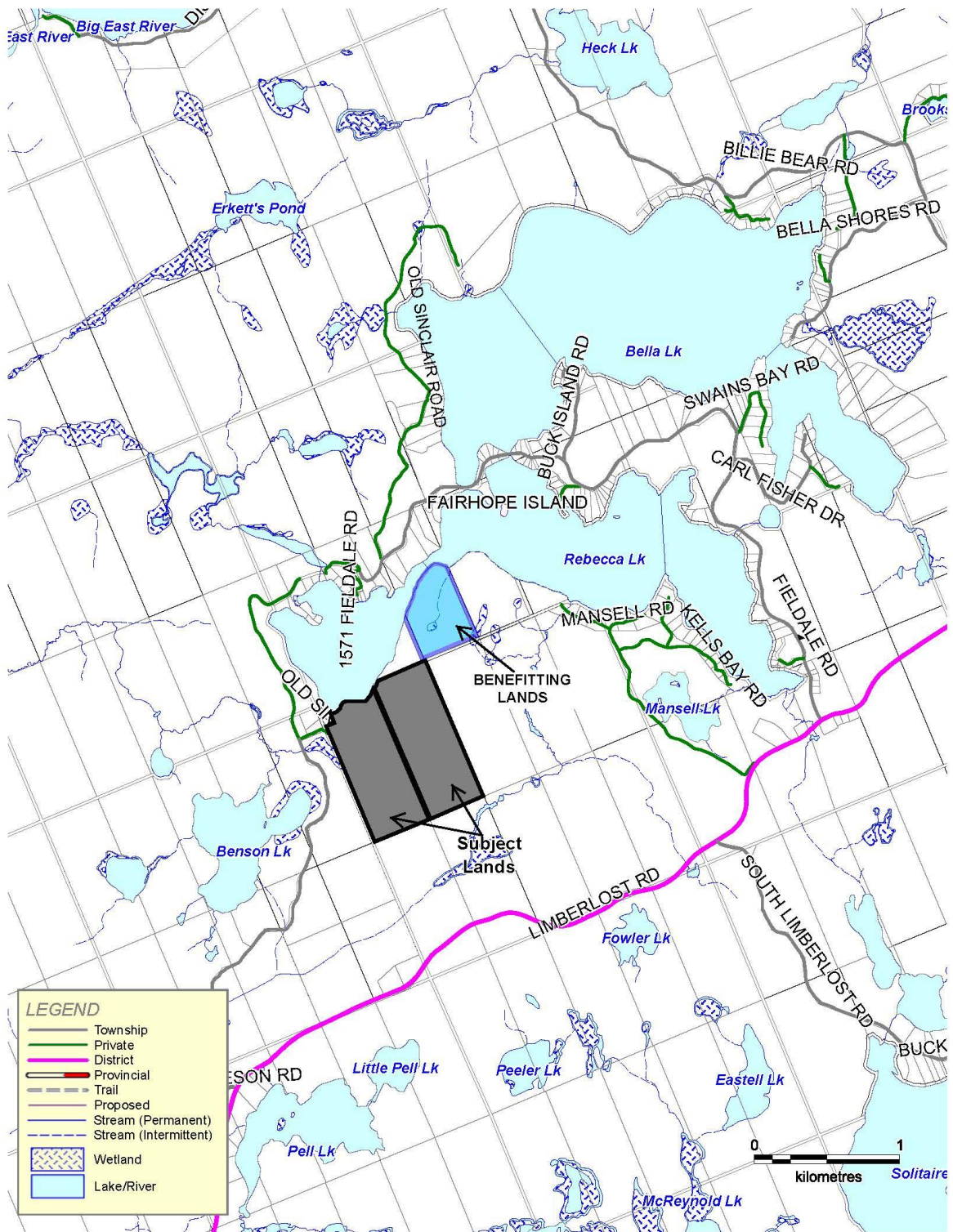
Attachments

- Appendix "A" – Location Map
- Appendix "B" – Provisional Decision for B 26/21 LOB & 27/21 LOB

References

- 2020 Provincial Policy Statement
- Township of Lake of Bays Official Plan, as adopted on January 12, 2016 by By-laws 2016-005 & 2016-049
- By-law 04-180, being the Development Permit Zoning By-law
- By-law 04-181, being the Comprehensive Zoning By-law
- Muskoka Web Map
- Archived documents in Laserfiche

Appendix "A" Location Map



Appendix “B”

PROVISIONAL DECISION

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

Files: **B 26/21 LOB & B 27/21 LOB**

Applicant(s): **Lagonelbosco Ltd. & Francine Hogg**

Application for Consent for: **Easement for Right-of-way**

Location: **Part of Lot 9 & 10, Concession 6 (off of Hutcheson Road), Sinclair**

Parent Roll Nos.: **020-006-03800 & 020-006-03700**

Date of Decision: **October 28, 2021**

Upon application for consent for the lands described in the above noted file, the decision of the Director of Planning Services 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 Director of Planning Services.
- (4) That an Unassumed Road Improvement Agreement be entered into with the Township for access over Original Road Allowance between Lots 10 and 11, Concession 6, Sinclair Ward, and a copy of this be provided to the Director of Planning Services.
- (5) 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 applications generally conform to the intent of the Township Official Plan and will serve to provide an easement for a 10.1 metre (33 ft.) wide right-of-way for vehicular and pedestrian access over the subject lands legally described as Part of Lot 10, Concession 6, Sinclair (Roll No. 020-006-03800) and Part of Lot 9, Concession 6, Sinclair (Roll No. 020-006-03700) containing an existing private roadway off of Hutcheson Road to lands to the north,

legally described as South part of Lot 8, Concession 7, Sinclair (Roll No. 020-008-08511), owned by Rita Currie, whereby the right-of-way to this property also crosses Township Original Road Allowances.

SCHEDULE "A"
CONSENT APPLICATIONS B 26/21 LOB & B 27/21 LOB
(Lagonelbosco Ltd. & Hogg)
Part of Lot 9 & 10, Concession 6 (off of Hutcheson
Road), Roll Nos. 020-006-03800 & 020-006-03700

