



PROVISIONAL DECISION - AMENDED

[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: **January 21, 2022**

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 applications B 26/21 LOB & B 27/21 LOB - Amended on January 21, 2022 under Section 53(17) of the Planning Act, R.S.O. 1990, c. P. 13, as amended, to allow an easement for 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 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" - AMENDED. 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 original Provisional Decision was approved on October 28, 2021 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 Township (Roll No. 020-006-03800) and 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.
2. The applicant requested that the approval for both B 26 & 27/21 LOB be amended from the approved 10.1 metre (33 ft.) wide right-of-way to 20 metres (66 ft.), as a surveyor has advised that surveying the meandering road within a 10.1 metres (33 ft.) allowance would cost much more than surveying it within a 20 metre (66 ft.) allowance. This increased width is approved.
3. Survey work determined that the road as presently built in the northeast corner of Lot 9 (B 27/21 LOB) did not follow sketches that had previously been available. As it is located further south than what was approved in the original Provisional Decision and Schedule "A", the amendment corrects the location of the right-of-way to that which is shown on Schedule "A" – Amended.
4. The Director of Planning Services is satisfied that the amended consent applications continue to generally conform to the intent of the Township Official Plan.

CERTIFICATION

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

I, **APRIL BEST-SARARAS**, 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 Applications **B 26/21 LOB & B 27/21 LOB (Lagonelbosco Ltd. & Francine Hogg) - Amended** is a true copy of the provisional decision of the Director of Planning Services with respect to the applications recorded therein.

Dated this 21st day of January, 2022.



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 **TWO YEARS** 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: February 10th, 2022.

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: January 21st, 2022.

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

SCHEDULE "A" - AMENDED
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

