



Request to Speak before Council

Request to Make a Deputation/Presentation to
Council/Committee
City of Kawartha Lakes
City Clerk's Office
26 Francis Street, PO Box 9000
Lindsay, ON K9V 5R8
705-324-9411

Name: *

Larry and Alexis Phillips

Address: *

1899 Pigeon Lake Road

City/Town/Village:

Lindsay

Province: *

Ontario

Postal Code:

K9V 4R5

Telephone: *

(705) 886-2886

Email: *

There can be a maximum of two speakers for each deputation. Please list the name(s) of the individual(s) who will be speaking. The names that are listed here will be included on the Council Meeting Agenda.

Deputant One:

James R. Webster

Deputant Two:

Larry Phillips

Please provide details of the matter to which you wish to speak: *

See Schedule "A" attached.

Please attach any additional supporting documents you wish to provide and submit with this completed form.

Have you discussed this matter with City Staff?

☒ Yes

☐ No

If yes, Which department and staff member(s) have you spoken to?

Land Management and Planning

What action are you hoping will result from your presentation/deputation? *

The Phillips need the assistance/cooperation of CKL to help resolve a severance problem. The Phillips thought that they had two separately conveyable properties. Due to inadvertence in a 2001 transaction, the properties unintentionally merged into one property for Planning Act purposes.

By signing this form you are acknowledging that all of the information you are providing on this form is true, and giving the City permission to collect your personal information for the principal purpose of a request to make a deputation to Committee or Council as outlined below.

Signature:

 + 

Date:

Feb. 24, 2020



The personal information is being collected by the City of Kawartha Lakes for the principal purpose of a request to make a deputation to Committee or Council pursuant to the City's procedural by-law. This information, including all attachments submitted may be circulated to members of Council, staff, the general public and posted on the City website. Questions about the collection of this information should be directed to the City Clerk or Deputy Clerk at 705 324-9411 ext. 1295 or 1322.

Do you understand how your information will be used and agree to allow the City to use your personal information provided on this form, including any attachments for the purposes of requesting to make a deputation to Committee or Council? *

☒ Yes

Please complete this form and return to the City Clerk's Office by submitting it online or:
Fax: 705-324-8110 Email: agendaitems@kawarthalakes.ca

SCHEDULE "A"

The attached email December 11, 2019 from Brenda Purdy, assistant to James R. Webster, solicitor for Mr. and Mrs. Phillips, describes the problem and the potential assistance that the City of Kawartha Lakes can provide in resolving the problem.

The problem arose from the manner in which the Phillips, in 2001, took title to a property (shown as B) that they bought abutting to the north side of their then property (shown as A, the property that they have now sold and are trying to be able to close).

The solicitor for the Phillips in 2001 is not currently practicing law and is not available to discuss the reasoning in 2001 as to why the second property was deeded to the Phillips in a manner that we are now advised by a legal expert in severance matters has resulted in a merger of the two properties into one, which was not the intention in 2001.

Also attached to the December 11, 2019 email is a Property Index Map showing the locations of the two properties together with notes as to what happened and a local "road" map showing in red the original property as "A" and the 2001 property as "B".

I have also attached a portion of Reference Plan 57R4947 showing Part 15 which was transferred to County of Victoria in 1994.



Brenda Purdy <brenda4webster@gmail.com>

Phillips s/t Martin - 1899 Pigeon Lake Road, Lindsay

1 message

Brenda Purdy [REDACTED]

11 December 2019 at 12:57

To: dcplanningservices@bell.net, rcarlson@kawarthalakes.ca, Richard Holy <rholy@kawarthalakes.ca>, sdyer@kawarthalakes.ca, heather.richardson@staplesswain.com

I act for Larry and Alexis Phillips who own the above property. They had entered into an agreement to sell the property. Unfortunately, and inadvertently, this property has merged with a 50 acre parcel abutting to the north. The Phillips' are quite distressed.

The original parcel (less the road widening) was transferred to Mr. and Mrs. Phillips in 1994. In 2001 Mr. and Mrs. Phillips acquired the abutting lands to the north. Due to the manner in which title to this second (north) parcel was taken in 2001 the properties merged. This merger was inadvertent and not intended.

One possible resolution appears to require a severance application and if so we are seeking cooperation of City of Kawartha Lakes Planning in expediting an application.

The other possibility is the following:

In 1972 Larry Phillips' mother's husband, W. Lloyd Prouse, acquired the subject parcel together with a strip that was later conveyed to County of Victoria for road widening. Mr. Prouse died in 1984 and the property was transferred to Larry Phillips' mother, Noreen Alice Prouse, in 1985. The deed to Mr. Prouse had Land Division Consent. Because of the transfer of the strip to County of Victoria the principle of "once a severance always a severance" can not apply.

Therefore, if City of Kawartha Lakes would transfer back to Phillips the road widening strip then the original parcel as severed in 1972 would be intact. Mr. and Mrs. Phillips could then transfer the subject parcel to themselves and a third party (their son or daughter) and that would re-create the two separate parcels. Mr. and Mrs. Phillips and the third party would then transfer the road strip back to City of Kawartha Lakes and they would then proceed and complete the sale.

I am including Heather Richardson in this correspondence on my recognition that she provides advice to City of Kawartha Lakes on real estate matters and that she has extensive knowledge and experience in severances and resolution of severance problems.

If City of Kawartha Lakes is prepared to assist as outlined above then my clients will pay all City of Kawartha Lakes expenses including but not limited to Ms. Richardson's fees etc.

I include a copy of the Property Index Map showing the lands and my notes.

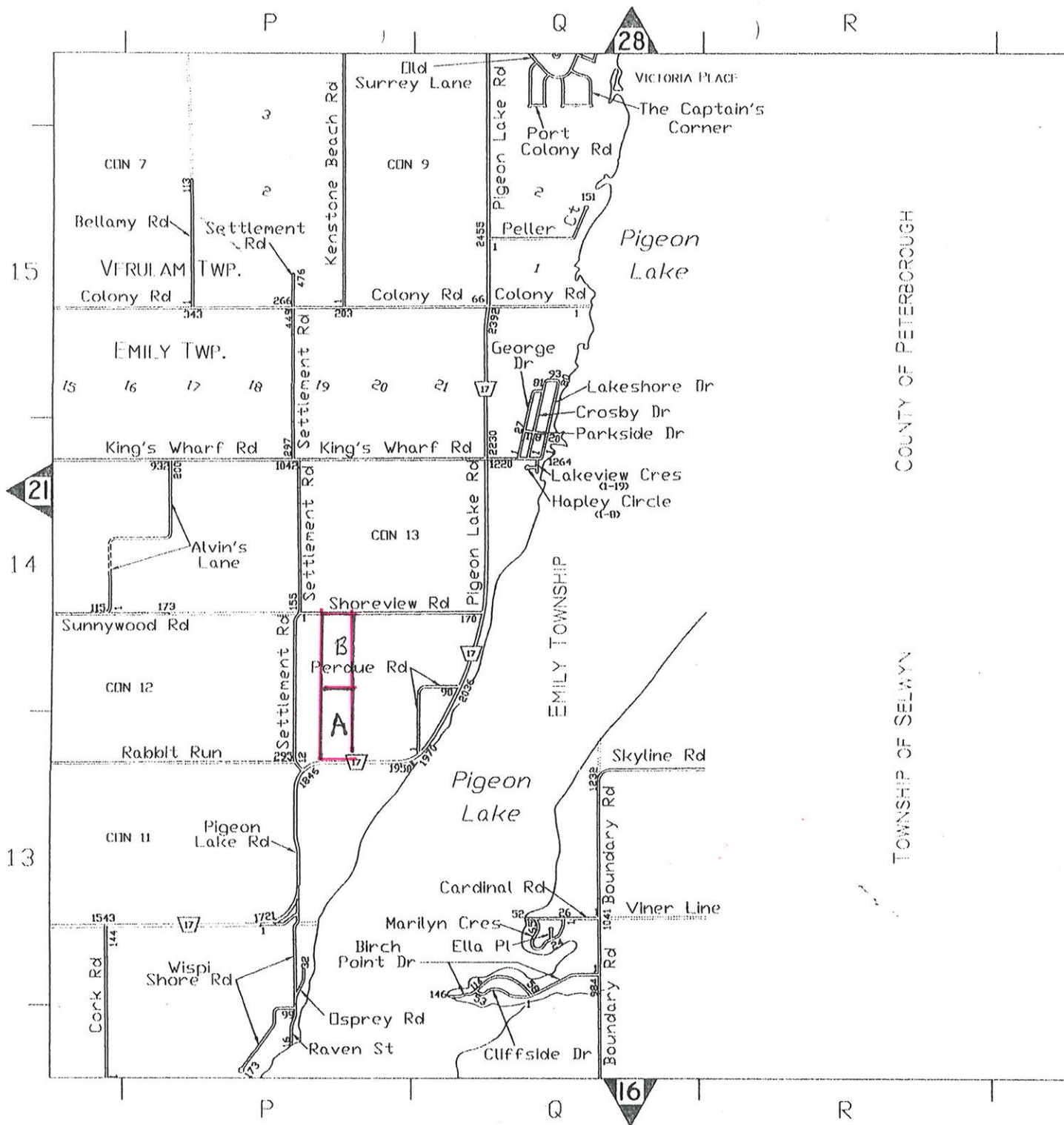
We have also retained Doug Carroll to help with this matter and I understand that Mr. Carroll has been seeking a meeting with Richard Holy and other City of Kawartha Lakes officials to discuss this situation.

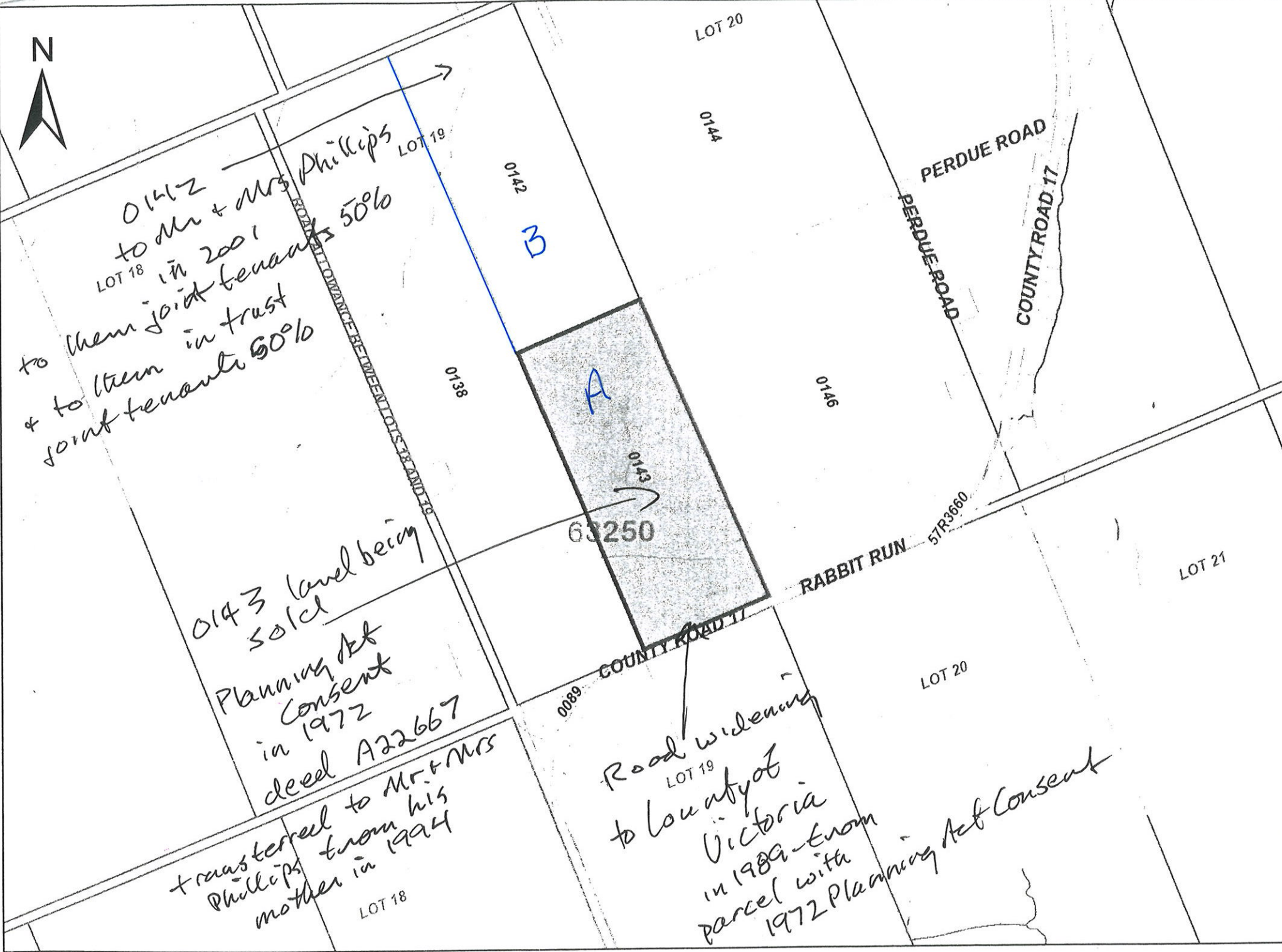
I also understand that in the last several days that Mr. Phillips spoke to Councillor, Ron Ashmore, and that Mr. Ashmore has spoken to some of you.

We would, therefore, like to meet with all applicable City of Kawartha Lakes officials to discuss a resolution as soon as possible.

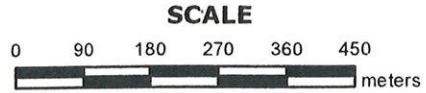
Brenda
Assistant to James R. Webster
20 Francis Street West, PO Box 103
Fenelon Falls, ON K0M 1N0
Tel: (705) 887-2533
Fax: (705) 887-4285

Phillips.PIN.pdf
440K





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FOR BRENDA01



PROPERTY INDEX MAP
VICTORIA(No. 57)

LEGEND

FREEHOLD PROPERTY	
LEASEHOLD PROPERTY	
LIMITED INTEREST PROPERTY	
CONDOMINIUM PROPERTY	
RETIRED PIN (MAP UPDATE PENDING)	
PROPERTY NUMBER	0449
BLOCK NUMBER	08050
GEOGRAPHIC FABRIC	
EASEMENT	

THIS IS NOT A PLAN OF SURVEY

NOTES

REVIEW THE TITLE RECORDS FOR COMPLETE PROPERTY INFORMATION AS THIS MAP MAY NOT REFLECT RECENT REGISTRATIONS

THIS MAP WAS COMPILED FROM PLANS AND DOCUMENTS RECORDED IN THE LAND REGISTRATION SYSTEM AND HAS BEEN PREPARED FOR PROPERTY INDEXING PURPOSES ONLY

FOR DIMENSIONS OF PROPERTIES BOUNDARIES SEE RECORDED PLANS AND DOCUMENTS

ONLY MAJOR EASEMENTS ARE SHOWN

REFERENCE PLANS UNDERLYING MORE RECENT REFERENCE PLANS ARE NOT ILLUSTRATED

