

Country Club Heights Association

c/o Ann Davidson


February 13, 2020

Office of the City Clerk
City of Kawartha Lakes
P.O. Box 9000, 26 Francis Street,
Lindsay, ON, K9V 5R8

RECEIVED

FEB 25 2020

**OFFICE OF THE CITY CLERK
KAWARTHA LAKES**

Dear Ms. Ritchie:

Re: Petition to Amend By-Law 2018-196

Attached please find a Petition (Appendix A) containing 85 signatures which we wish to present to the City of Kawartha Lakes Council. This petition has been discussed with and supported by Mayor Andy Letham and Ward 2 Councillor Kathleen Seymour-Fagan.

The residents of Country Club Heights (CCH), who we represent are seeking to repeal part of By-Law 2018-196 as it relates to the parking restrictions on Clonsilla and Aylmer Drives in the City of Kawartha Lakes. Our request to the Mayor and Councillors is to amend the parking restrictions on Clonsilla and Aylmer Drives to allow parking on the road allowance at the west end of Clonsilla and Aylmer Drives, as identified in the petition. We agree that the parking restrictions remain in place for the rest of Clonsilla and Aylmer Drives including the centre boulevard between the two roadways.

Rationale for Petition:

- Parking has been permitted on this road allowance since Plan 577 was approved in 1983 with the approval and support of The City of Kawartha Lakes (refer to Appendix B Letter from the City Solicitor dated Nov. 27, 2007). Since 1983 to the present, bylaw enforcement or the police have never issued a ticket, towed a vehicle or issued a warning related to parking on the road allowance.
- The area is identified on all 48 CCH titles as the entry point for access to their deeded easement over Part 1 of East 1/2 Lot 16 Concession 6 on Registered Plan 57R-3737 to access the shoreline of Sturgeon Lake (see attached Appendix C).
- There is **no** other access to this deeded easement other than through this municipal road allowance.

- The majority of CCH residents are seniors, therefore the current by-law amendment (By-Law 2018-196) effectively prohibits many CCH residents from enjoying their deeded access to the shoreline as they would have to walk between a half of a kilometre to 1.2 kilometres, with chairs, kayak or canoe, etc.
- There is ample room for several cars to park within the road allowance which is approximately 100 feet by 160 feet without blocking the intersection or the two driveways that currently traverse this area. The road allowance is primarily grass covered with a few trees and bushes and could be utilized without any environmental impact. (See Appendix D for proposed parking areas). These areas have been discussed with and supported by Mayor Andy Letham and Councillor Kathleen Seymour-Fagan.

Note of Interest:

- By-Law 2018-196 passed in September 2018 prohibiting parking on both Clonsilla and Aylmer Drives including the road allowance to the fence line shared with Eganridge Resort, Golf Club and Spa. The bylaw was passed without notice to, or consultation with CCH residents even though the City Solicitor was aware that the City of Kawartha Lakes had previously ruled that we had the right to traverse across and park on this road allowance. However, the East Beehive Community (EBC) residents were advised prior to the submission.

Thank-you for your consideration in this matter.

Sincerely,



Brian Brethour
12 Stanley Dr.
Resident of Country Club Heights



Ann Davidson
28 Golf Club Cres.
President, Country Club Heights Association

Encl. (12)

APPENDIX A

Person Submitting the Petition




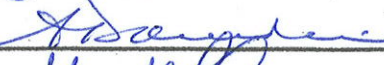


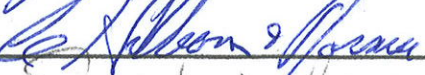





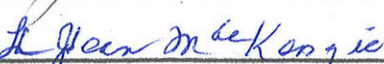


Name:	Brian Brethour
Address:	12 Stanley Drive, Fenelon Falls
Phone:	705-738-2040

Petition

To: the Council of the City of Kawartha Lakes, 26 Francis Street, Lindsay, ON K9V 5R8.

I/We the undersigned, petition the Council of the City of Kawartha Lakes as follows:

To change By-Law 2012/173, Amendment 2018/196 to exclude the parcel of land deemed to be road allowance at the west end of the circular roadway consisting of Clonsilla and Aylmer Drives, as per attached drawing.

#	Name	Contact Information	Signature
1	BRIAN BRETHOUR	705-738-2040	
2	Edith Brethour	705-738-2040	
3	Wynn Law	705-738-9546	
4	ANN DAVIDSON	705-738-9546	
5	JOHN HILL	647-203-4685	
6	Leslie Hill	416-577-6108	
7	NORMA CARE HASSEN	705-735-2719	
8	SANDY McMULLEN	705 587 1540	
9	Glenna Burns	705-738-3069	
10	YVONNE GIBSON	705-738-3531	
11	HUBERT CASWELL	705 738 5373	
12	Joan CASWELL	705 738 5373	
13	JEAN MACKENZIE	705 738 5368	
14	TAY ARMSTRONG	705-738 5465	
15	Susan Burns	705 440 3868	

Person Submitting the Petition









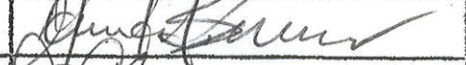
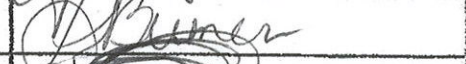





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#	Name	Contact Information	Signature
16	Arianne Purves Mitchell	416 895-3515	
17	SCOTT HORTON MITCHELL	416 302-6550	
18	JOAN HUTCHINSON	705-731-0078	
19	GARY HUTCHINSON	705-731-0078	
20	DAVE ARTHUR	705-455-7305	
21	Kyle McInnes	905-441-6631	
22	SHERY DIXON	705 731 0971	
23	STEVE DIXON	705 731-0971	
24	FRANK BRENNER	705-738-9478	
25	LYNDA BRENNER	705-738-9478	
26	ERIC ORPANA	705 738 3850	
27	FRAN ORPANA	705 738-3850	
28	Kathy Putnam	416-710-2608	
29	NEIL PUTNAM	416-949-1197	
30	Elaine Bird	705 738-6363	

Person Submitting the Petition

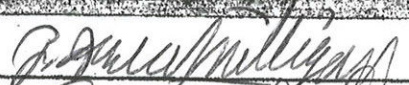
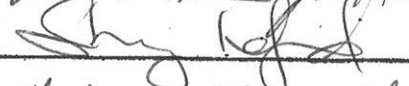


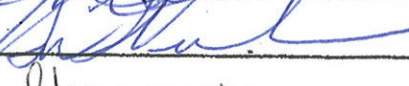
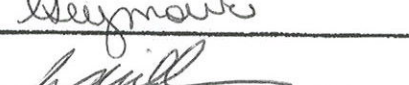
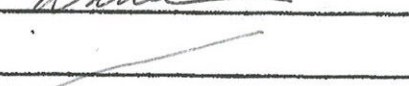

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#	Name	Contact Information	Signature
31	Drew Milligan	705 657 7309	
32	Sherry Telford	705-887-3610	
33	Rodney Smith-Merkley	705 731-1058	
34	JOVINA A WEEKES	416-720-9503	
35	MANUEL AVILA	905-889-6014	
36	BRIAN WEEKES	416-723 8503	
37	LINDA SEYMOUR	705-738-2927	
38	WILLIAM MILLER	705-738-2927	

Person Submitting the Petition

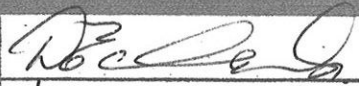
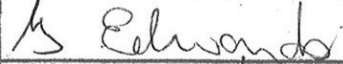
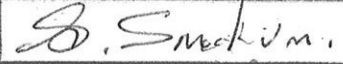
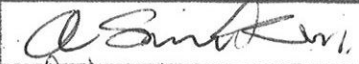
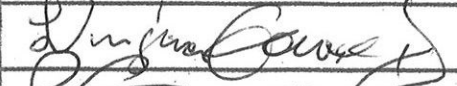
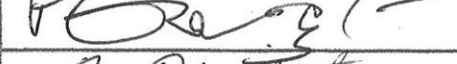
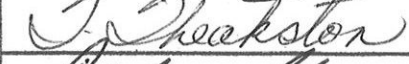

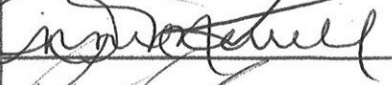
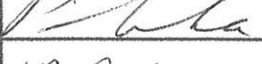
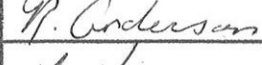

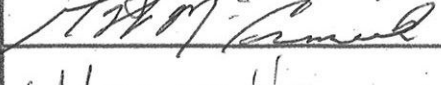
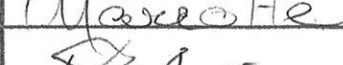
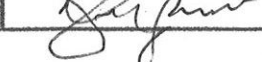
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#	Name	Contact Information	Signature
39	DEREK EDWARDS	705-887-7649	
46	GILLIAN EDWARDS	" " "	
41	STEPHANIE SMOKUM	905-392-0994	
42	ANDREW SMOKUM	" " "	
43	VIRGINIA GOURLAY	416-802-4277	
44	PATRICK GOURLAY	" " "	
45	TERRI THEAKSTON	705-887-0318	
46	COLIN WARDLEY	705-887-0318	
47	Rick & Annie Merrell	705-738-4372	
48	Patti & Terry Seredoka	647-223-0733	
49	Natasha Andersen	705-930-5590	
50	Leslie King	705-731-9364	
51	GEORGE McARMICK	705-738-2335	
52	VIIVIANE MARCOTTE	" " "	
53	DON & PHYLLIS FERGUSON	705 738-2864	

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#	Name	Contact Information	Signature
54	Anne Shephard	705-738-2794	Anne Shephard
55	Harry Shephard	705-738-2794	Harry Shephard
56	CAROLE MORIN	carole3.morin@bell.net	Carole Morin
57	Beverley Randle	416-606-3415	Beverley Randle
58	James De Ell	647-391-5976	James De Ell
59	Diane De Ell	905-545-8711 559 QUEBEC ST. HALL	Diane De Ell
60	Art De Ell	905-8711	Art De Ell
61	PATRICIA AULD	46 GOLF CLUB CRES. 705-738-2424	Patricia Auld
62	ROBERT AULD	46 GOLF CLUB CRES	Robert A. Auld
63	J.L. PRITCHARD	34 GOLF CLUB CRES.	J.L. Pritchard
64	D.L. PRITCHARD	34 GOLF CLUB CRES.	D.L. Pritchard
65	Karen Dudman	18 Golf Club Cr	Karen Dudman
66	J. Plumptre	16 Golf Club Cr	J. Anne Plumptre
67	Jim Plumptre	16 Golf Club Cr	Jim Plumptre
68			

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#	Name	Contact Information	Signature
68	RAE Lam Fox	416 456-4703	Rae
69	ERICH FOX	416 450-9353	Lam Fox
70	Derek Bullock	705 735 9845	Derek Bullock
71	Val Bullock	" "	V. Bullock
72	M. G. Hubbard	738-9220	M. G. Hubbard
73	LEIGH HUBBARD	738-9220	L. Hubbard
74	JOANNE CABRELLI	738-5508	J. Cabrelli
75	STEVE MCCAUGHEY	738-5508	S. McCaughey
76	Ed Dendron	705-340-0095	E. Dendron

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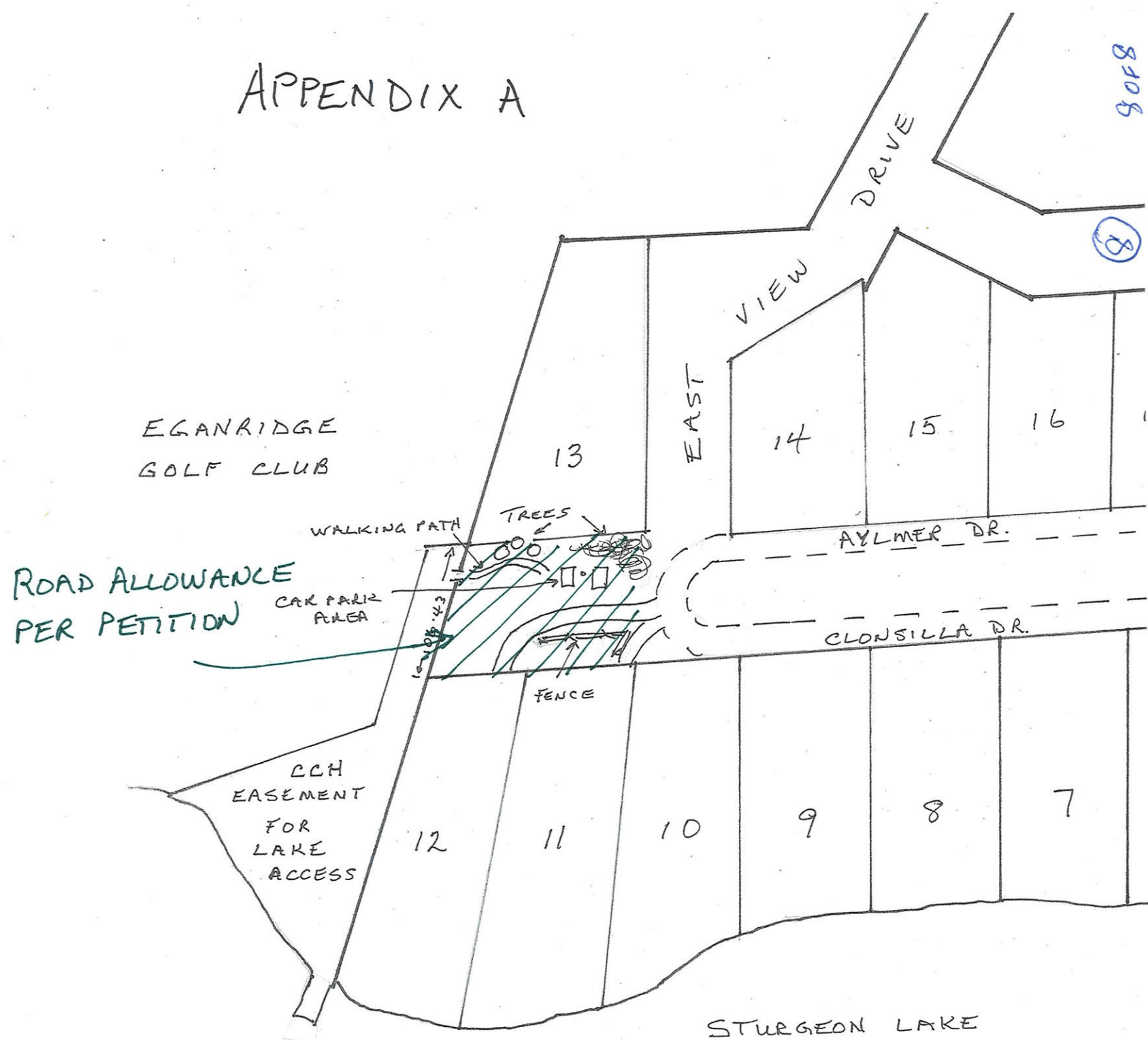
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#	Name	Contact Information	Signature
77 24	East Beeking Marjorie Cadz	705-738-0004	Marjorie Cadz
78 "	Brian Cadz	705-738-0004	Brian Cadz
79	Dick Smith	705-738-3233	D. Smith
80	DAVID SMITH	AS ABOVE	D. Smith
81	Jean Harris	705-738-3732	J. Harris
82	JOHN HARRIS	as above	J. Harris
83	Rick Vanleyden	705-344-3153	R. Vanleyden
84	BRUCE SMITH	705-738-2216	B. Smith
85	PATRICIA SMITH	705-738-2216	Patricia Smith

APPENDIX A



Joseph L. Staples QC (1920-1988)
Ronald Johnston Swain BA, LLB
Heather E. Richardson HONS. BA, LLB

10 William Street South
Lindsay, Ontario K9V 3A4
Website: www.stapleswain.com

(705) 324-6222
Fax 324-4168

Staples & Swain

BARRISTERS, SOLICITORS, NOTARIES

November 27, 2007

By fax to 878-0815

LAURIE R. MCLEAN
Barrister and Solicitor
Suite 205
189 Kent Street West
Lindsay, ON K9V 5G6

By fax to 738-4252

ROBERT J. WALKER
Barrister and Solicitor
4 King Street West
P. O. Box 243
Bobcaygeon, ON K0M 1A0

Dear Ms. McLean and Mr. Walker:

**Re: Country Club Heights Association Inc.
East Beehive Community Association
Roads on Registered Plan of Subdivision #373 ("Plan 373")**

As the solicitor for the Corporation of the City of Kawartha Lakes (the "City"), I write to assist in your attempts to resolve the ongoing dispute between your clients with respect to the use of certain roads on Plan 373 for pedestrian and vehicular travel and parking to access decedded beach lands adjacent to the East Beehive Estates Subdivision.

It is the City and not the East Beehive Community Association that has jurisdiction over the roads shown on Plan 373. The owners of lots in East Beehive Estates Subdivision do not have the right to determine who can and cannot use the roads in question. Pursuant to the owner's certificate on Plan 373, Clonsilla, East View and Aylmer Drives "are dedicated as public highways" and, as such, title to them is vested in the City by operation of law, despite the absence of a deed expressly conveying the Roads to the City.

As I trust you are aware, s. 57 of the *Survey's Act*, R.S.O. 1990, c. S. 30, provides that every road allowance, highway, street, etc. shown on a registered Plan of Subdivision is deemed to be a public road allowance, highway, street etc. and subs. 26(5) of the

**THIS COPY IS FOR
YOUR INFORMATION WITHOUT PREJUDICE**



Municipal Act, 2001, S.O. 2001 c. 25 (the "Act"), provides that a street laid out on a registered plan of subdivision is a "highway", as defined by the Act.

Accordingly, the East Beehive Community Association has no jurisdiction over the Roads and may not prevent use of the Roads by the public in general or by members of Country Club Heights Association Inc. to access their deeded beach land. The City alone has jurisdiction over the Roads in the East Beehive Estates Subdivision and the public has the right to travel and park upon such roads, even though the City has never passed a by-law nor undertaken work on the Roads such that they could be considered to have "assumed" the roads for public use at public expense.

In light of the foregoing, please advise your clients that the City is prepared to authorize the design, construction and maintenance of a parking lot for the use of the members of Country Club Heights Association Inc. when enjoying their deeded access over a *common use beachfront identified as Block B on Plan 373 (the "Parking Lot"). The location, design, construction and maintenance of the Parking Lot will be determined in accordance with the plans and specifications approved by the City's Director of Public Works and all costs associated therewith will be borne by Country Club Heights Association Inc. As I understand it, the East Beehive Community Association is not being asked to share in the costs associated with the establishment or maintenance of the Parking Lot.

Yours Very Truly,
STAPLES & SWAIN

Heather Richardson
Heather Richardson

* Parking lot proposed is on
Block B

Block B is not beachfront!

REGISTERED PLAN 57 R-3737

THE REGISTRY DIVISION OF
VICTORIA N° 57

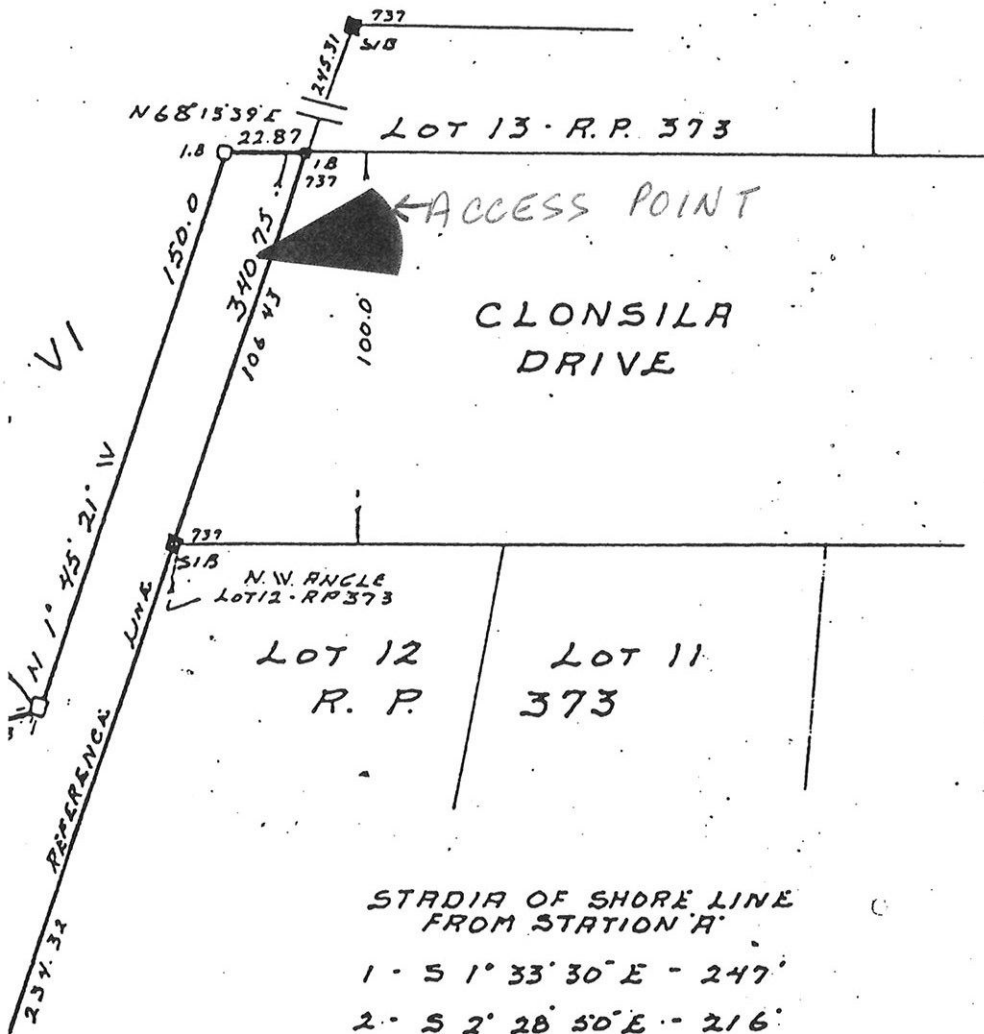
PART 1

E½ 16. CON. VI

INST. N° A20902

CAUTION - THIS PLAN IS NOT A PLAN OF SUBDIVISION
WITHIN THE MEANING OF THE PLANNING ACT.

APPENDIX C



STADIA OF SHORE LINE FROM STATION A

- 1 - S $1^{\circ} 33' 30'' E$ - 247'
- 2 - S $2^{\circ} 28' 50'' E$ - 216'
- 3 - S $3^{\circ} 18' 20'' W$ - 175'
- 4 - S $38^{\circ} 30' W$ - 146'
- 5 - S $50^{\circ} 38' 20'' W$ - 167'
- 6 - S $58^{\circ} 30' W$ - 193'

APPENDIX D

