

# MICHAEL L. FOWLER PROFESSIONAL CORPORATION

MICHAEL L. FOWLER LAW OFFICE

175 North Street  
Port Perry, Ontario L9L 1B7  
PH: 905-985-8411 F: 905-985-0029

Michael L. Fowler, B.Comm., LL.B.

James R. Tudhope, J.D.

Jaclyn P. Giffen, J.D., M.A.

December 31, 2019

City of Kawartha Lakes  
Planning and Development  
180 Kent Street West  
Lindsay, Ontario  
K9V 2Y6

KAWARTHA LAKES

JAN 14 2020

Attention: Christina Sisson  
Supervisor, Development Engineering

ENGINEERING

Dear Ms. Sisson:

Re: Subdivision Agreement dated November 24, 2004 between Gary Ross Marquis and  
Wall Beresford Holdings Limited and The Corporation of the City of Kawartha Lakes  
Our File: C24320-02

I am writing to you further on this matter.

Firstly, I write regarding Block 9 in the Subdivision Plan. We had previously corresponded regarding the closing of a small portion of the street to add to Lot 9. I had understood that this process is proceeding. I would be obliged if you could send me an update.

I am also writing regarding a provision in the Subdivision Agreement affecting this development, being clause 24. Special Requirements. This Agreement had originally contemplated that our clients would develop Block 27 in the Subdivision Plan as a water access parcel for the benefit of all of the residents in the subdivision. Our clients have gone through a lengthy process to prepare this lot. I am told that it has been fenced and all requirements of this Subdivision Agreement have been met, other than one item. Unfortunately, the dock that was originally constructed on the lot could not be used because of growing vegetation and the change in water levels, there has been siltation in front of this Block that precludes having a dock. Our clients had had a permit from Parks Canada to construct a dock on the site, but that permit is no longer valid. Our clients have worked with Parks Canada seeking permission to do some dredge work and other work to allow for lake access, but that application has been denied. I include, for your reference, a photocopy of correspondence dated November 23, 2018 from the Real Property Officer, Trent-Severn Waterway National Historic Site & Rideau Canal Historic Site, Parks Canada which denied the permit for dredging and removal of aquatic vegetation at the site. As a result of this, the dock material has

been removed or is in the process of being removed from the park lot.

Notwithstanding this unfortunate turn of events, our clients are in the process of preparing a Not-For-Profit Corporation which will be called the "North Gilson Residents' Association" or some similar name. All members in the subdivision will be members of this not-for-profit corporation and our clients propose to transfer the property to that association.

We are asking at this time, that the City of Kawartha Lakes acknowledge that the requirements of clause 28 of the Subdivision Agreement have been satisfied by this process.

I look forward to hearing further on this.

Yours truly,



Michael L. Fowler

MLF/cah  
Encl.



Parks  
Canada

Parcs  
Canada



Ontario Waterways

Trent-Severn Waterway National Historic Site &  
Rideau Canal National Historic Site  
PO Box 56, 2155, Ashburnham Drive  
Peterborough, ON K9J 6Z6  
705-750-4900  
Fax: 705-742-9644

Voies navigables de l'Ontario

Lieu historique national du Canada de la Voie-Navigable-Trent-Severn &  
Lieu historique national du Canada du Canal-Rideau  
C.P. 567, 2155, promenade Ashburnham  
Peterborough, ON K9J 6Z6  
705-750-4900  
Télécopieur: 705-742-9644

November 23, 2018

File: 180242

Wall Beresford Holdings Ltd.  
150 Jamieson Drive  
Peterborough ON K9J 0B9

**APPLICATION DENIAL – Fronting Lot 5, Concession A, City of Kawartha Lakes  
(Geographic Township of Mariposa) and locally known as the Gilson Point Subdivision**

On review of your application, Parks Canada is unable to grant an approval due to the nature of the work.

Parks Canada's Policies for In-water and Shoreline Works and Related Activities states:

- 3.9 Wetlands will be protected. No new in-water and shoreline works that could have a significant adverse impact will be permitted.
- 6.3 Dredging will not be allowed in wetlands or in areas containing rock rubble on the lake or river bed, unless shown to be environmentally beneficial.

The previously issued Parks Canada In-water and Shoreline Works permit (010522) and the Subdivision Agreement state dredging and aquatic vegetation removal are not permitted.

Additionally, Wild Rice is present in this location.

Parks Canada is unable to issue a permit for the dredging and removal of aquatic vegetation in an existing wetland.

Please refer to Parks Canada's Policies for In-water and Shoreline Works and Related Activities for more details at the following web address: <https://www.pc.gc.ca/en/docs/r/poli/page01>

For further information regarding your permit application, you can contact me at 705-750-4923.

Yours respectfully,

Debbie Farmer  
Real Property Officer

cc. Beth McEachern, Realty Manager, Ontario Waterways