



03/04/2021

## **City of Kawartha Lakes**

Mayor and council,  
c/o The Clerk's office  
26 Francis Street, Lindsay, ON  
K9V 4R5

To: City Clerk, Ms. Cathie Ritchie

### **Re: Notice regarding "Candidate Sites" removal, Candidate Site O-1**

Thank you for your letter dated February 16, 2021 disclosing the City intent to remove a portion of my lands out of the settlement area. More specifically the lands having a role number of 165100100812800.0000 located in Emily Township, Village of Omemee. The property is legally described as Con.4 PT Lots 7 and 8, Plan 109 PT BLK 17.

Our company purchased this property with the intent of developing it soon. To date we have consulted with a land surveyor, a professional planner, and our project manager to start the development process of this property. We have also been in negotiations with Gord Mason in regards to him purchasing the property and taking over all property business.

It was a shock to see that the City is requesting to remove our property from the settlement area, consequently removing the development potential for the foreseeable future.

We respectfully request that the City reconsider this and allow our lands to remain within the settlement boundary.

We also respectfully request that the City continue to involve us through the process to ensure that we are fully informed of all the decisions.

Thank you,

A handwritten signature in black ink, appearing to read 'R. McQuaid'.

Ryan McQuaid  
McQuaid General Contracting Ltd.  
273 Mt. Nebo Rd. Omemee  
705-879-3995  
rpmcquaid@sympatico.ca

3/6/2021

Tom and Marilyn  
Box 478 85 Sturgeon Street N  
Omemee Ontario K0L 2W0

City of Kawartha Lakes  
26 Francis Street  
PO box 9000  
Lindsay Ontario K9V 5R8  
[LPATsubmissions@kawarthalakes.ca](mailto:LPATsubmissions@kawarthalakes.ca)

To whom it may concern,

We are writing this letter in concern to a notice received on February 16 2021 regarding the removal of our land from the settlement of Omemee. The property in question is known as 85 Sturgeon St north (South side of Lot 6 con 4). We are opposed to this proposition.

Our family has been living on this piece of property for nearly 100 years, spanning 3 generations, paying taxes on part of the farm to the Former town of Omemee. 27.65 acres have always been included in the Town limits while the remainder of the property (24ac) have been included in the Township that is now known as rural City of Kawartha Lakes.

This new proposed boundary change removing the entire property from the settlement, will potentially decrease the value and options of this property. This will effectively put the property in a no build zone.

We have concern with this decision as Omemee has built town infrastructure near the property and it is a logical candidate for future development. There is a electrical substation and residential sewage treatment facility to the North of the property on Beaver road.

If Omemee is going to grow in the next 30 years this property will most likely need to be a part of that development. We strongly ask that the city puts the proposed lands back into the official plan as part of the future development of Omemee. We request to be notified of all decisions and information pertaining to this matter

Regards,

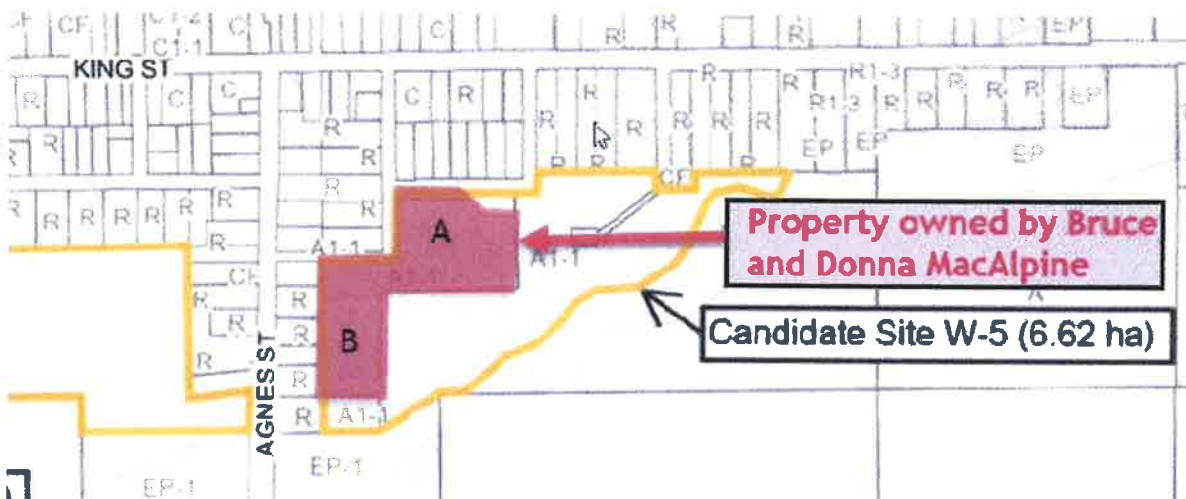
Tom and Marilyn  
Box 478 85 Sturgeon Street N

**Attention:** City Clerk  
City of Kawartha Lakes  
PO Box 9000  
Lindsay, Ontario  
K9V 5R8

**Re: LPAT/OMB No.PL 171407 and related appeal File No.PL120217**

This letter is an objection and response to a notice to the public we received dated 16<sup>th</sup> day of February, 2021 titled: ***"Of the Potential Removals of Certain Lands From The Settlement Areas Of Bobcaygeon, Fenelon Falls, Lindsay, Omemee And Woodville That Are Going To Be Considered As Part Of A Proceeding Currently Before The Local Planning Appeal Tribunal Under File No. PL 171407"***

In the attached map of this Notice, ***"Attachment 'C', Map 4: Woodville Candidate Site"*** our dwelling located at 1 Beech St, surrounding property located on the south side of Beech Street and along the east property boundaries of houses located on Agnes Street have been identified as an area to be removed from the Official Plan's settlement areas from the Village of Woodville. The map that is being used is out of date and should be updated to reflect our dwelling. Please see the edited Map 4 below which indicates the subject property of concern:



remaining section of land was not developed was due to the public drinking water supply issues within the town.

- 3) The section of property located parallel to Agnes Street, noted as B in the map above, is another section of land that could easily be developed and should remain with the settlement area for the Village of Woodville as it would very easily fit with the characteristics of the area. Any future development along this part of the property would not significantly impact any resources on the town.
- 4) Any development along sections A or B would result in more housing in the City of Kawartha Lakes that match criteria of being more "affordable", as per provincial guidelines. Any proposal for subdivision would result in property sizes that would match the current properties in the area. As well, any future developments would result in an affordable housing supply that would accommodate working families in this area.

It is for the reasons mentioned above we are officially submitting this letter as our objection to having our lands removed from the official settlement area in the Village of Woodville.

If you require any further information please contact us at the information provided below.

Mr. and Mrs. Bruce MacAlpine  
1 Beech Street  
PO Box 243  
Woodville, Ontario  
K0M 2T0

Phone: (705) 439-3517

Frances Ferguson  
Owner of 3269 and 3295  
City of Kawartha Lakes

RECEIVED

MAR 08 2021

OFFICE OF THE CITY CLERK  
KAWARTHA LAKES

March 5, 2021

ATTENTION: City Clerk

**Re: LPAT/OMB File No PL 120217 and appeal proceeding LPAT/OMB File No PL171407**

My property (specifically #3295) was originally shown as being located within the Urban Settlement Boundary in the version of the CKLOP that was approved by the Ministry of Municipal Affairs and Housing in 2012. I understand that if the LPAT approve the modification, then my property would no longer be located within the Urban Settlement Boundary.

I am **OBJECTING** to this modification.

- a) Beside my property is the School Bus Parking and a garage that repairs vehicles and the buses. Also, they sell propane. Down the road on same side is another car repair garage and a building that rents out storage units. On the other side of the road is Boyer Ford, a property that is commercial that has housed many businesses, McGregor Sportsline, Nortech Windows and Doors, Kawartha Dairy Warehouse, BMR Hardware Store, Lakeside Auto Sales, Buckeye Marine, etc.
- b) On my land, there is a "Produce Stand" or a Roadside Market and a Chip Truck. The produce stand was built in 1979 and an addition was added on in 1987-1988. It was a very busy place up to 1994. After that it has been used for a "Clothing Giveaway", rented to a person who operated it for 6 years and left in 2004. Now it is used to store food and equipment for the Chip Truck.
- c) The Chip Truck is "grandfathered", and I am the only one that can operate it. Although, it is classed as a Chip Truck, it is really a small building that was used as a Chip Truck. I would like to have a "zoning designation" that would give me more choices in having the chip truck left there and operated by someone else. So many people have expressed interest in the chip truck, but the way it stands right now, if I sell it, it has to be moved to another location. Everyone wants it left there. It has been there since 1999. There would be a lot of people upset if it was not there.
- d) Also, people are still looking for produce at the stand, which hasn't been selling anything since 2011. Because of Covid last year, I allowed the Mennonites to set up on my property which was legal. I had an inquiry from the Licensing Officer because he had a complaint, but I proved to him that my property was zoned properly for the selling of produce. The property is zoned "General Rural (A1) in the Township of Verulam Zoning By-law 6-87. One of the permitted uses in A1 is a farm produce outlet. #3295 is part of the farm #3269. A produce stand consisting of

the selling of agricultural products produced on the farm or surrounding area may operate as accessory to it. The By-law does not restrict who may operate the produce stand.

- e) I have been told by the Development Services of City of Kawartha Lakes that the front of my property is identified "Urban" and the remainder of the property is designated "Rural". So until the appeal is resolved, the County of Victoria's Official Plan designations continue to apply anywhere that is identified as "Urban". In the County of Victoria Official Plan, that portion of my land was designated "Agricultural". So apparently at this time the property has two designations.
- f) Having a designated zoning that would permit more usage of the land, and "legalize" the Chip Truck would make a lot of sense. The land is not being taken out of "agricultural use", as it has already been used for "commercial type" operations. The land is not in the first classes of the Agriculture Classes, because the land is classed as "6", which means it is not prime farmland!

Your consideration of this matter would be appreciated.



Frances Ferguson

P.S. Please be advised that the people who are objecting may have no direct interest in the boundaries. One has to question their motives. I will be directly affected by altering the boundary lines.



**Joel Watts**

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**To:** Brent and Sharon Drew  
**Subject:** RE: LPAT/ONB File No. PL120217 and LPAT File No. PL171407

**From:** Brent and Sharon Drew  
**Sent:** Friday, March 5, 2021 2:32 PM  
**To:** LPAT Submissions <LPATsubmissions@kawarthalakes.ca>  
**Subject:** LPAT/ONB File No. PL120217 and LPAT File No. PL171407

Good afternoon,

I write this e-mail on behalf of my parents, Delmar and Margaret Drew of 26 King St Woodville, who recently received the correspondence noted in the subject line affecting their property. Their property has been identified as a "Candidate Site" for removal from the Woodville settlement area, specifically Map 4, Candidate Site W-4 (0.30 ha).

As is noted in the last paragraph of the correspondence additional information is available upon request by submitting to this e-mail address.

Please consider this e-mail as a request for additional information to support these notices so we can further understand what is being proposed as part of the Local Planning Appeal Tribunal (LPAT).

Regards,

Brent Drew

## Joel Watts

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**To:** Dale Woodcock  
**Subject:** RE: LPAT ManagementConference April 6 2021

**From:** Dale Woodcock  
**Sent:** Thursday, February 25, 2021 5:11 PM  
**To:** LPAT Submissions <LPATsubmissions@kawarthalakes.ca>  
**Subject:** LPAT ManagementConference April 6 2021

To Whom it may concern

Hi my name is Dale Woodcock, you can reach me by phone

Or Email

It is in concern of the boundary changes , I have been trying to severance a lot for years , and the change would go along way in this process.

I have town water run to the lot .which is 3/4 of an acre or bigger, at 18 Alma Rd. Bobcaygeon Ont.

Under the current status, I can not get a severance , This modification would be greatly appreciated

Thanks

Dale Woodcock



James R. Webster, B.A., LL.B.

BARRISTER and SOLICITOR

P.O. BOX 103 • 20 FRANCIS ST. WEST • FENELON FALLS, ONTARIO • K0M 1N0

Tel: 705-887-2533

FAX: 705-887-4285

Email: jwebster@i-zoom.net

March 9, 2021

via email: [LPATsubmissions@kawarthalakes.ca](mailto:LPATsubmissions@kawarthalakes.ca)

Mayor and Members of Council  
City of Kawartha Lakes  
26 Francis Street  
Lindsay, ON K9V 5R8

Attention: Cathy Ritchie, City Clerk

Dear Ms Ritchie:

Re: OMB/LPAT File Nos. PL120217 and PL171407; Request Attendance at Case Management Conference; and Proposed Modifications to the Official Plan and OPA No. 15, Fenelon Falls Secondary Plan, City of Kawartha Lakes

I have received the City's "Notice to The Public", dated February 16, 2021, together with Attachment 'B', Maps 1 to 5. My company, Black Bear Estates Inc. (Black Bear) owns approximately 35 ha. of land in Part Lot 25, Concession 10, Township of Fenelon, that abuts the former Village of Fenelon Falls. I appreciate this opportunity to provide Council with background information about the long-established approval for residential development of this land.

In 2010 Council adopted Official Plan Schedule A-5 that designated approximately 2 ha. of Black Bear's land as Urban Settlement Area and within the related Boundary (USAB). I agreed with that decision and did not appeal. In 2012 the Ministry and others appealed that designation and boundary. In 2019 the Growth Plan and in 2020 the Provincial Policy Statement policies changed and adjustments to the USAB are permitted. Accordingly, on June 3, 2020 the Ministry withdrew its appeal to the CKL OP and OPA NO. 15. Other appellants continue their efforts to have the USAB designation removed. Until now, this procedure has not required Council to make a decision under the Planning Act and I could not previously appeal the proposed removal of the USAB from Black Bear land. Refer to Attachment 1, being an air photo of the Fenelon Falls area, showing the boundary of the Fenelon Falls Secondary Plan.

On March 20, 1986, nearly 35 years ago, that same land was designated Urban and the abutting 15 ha. was designated Rural Estate in the Victoria County Official Plan (VCOP - OPA No. 14) and the principle of residential use of this land was established. Refer to Attachment 2 i and 2 ii, being Schedule A-5 - Fenelon Falls, of the VCOP and the companion legend; and to Attachment 3, being a proposed draft plan of subdivision, submitted to the City in 2007, on which Black Bear's land is outlined in red.

Now one of the proposed modifications to Schedule A-5 and shown on Attachment 4, being Attachment 'B', Map 2 - Fenelon Falls Settlement Area Boundary, will remove the USAB from that same land. That land and the abutting 15 ha. of Black Bear land, has been designated for residential use for nearly 35 years. The primary difference between these designations is

density of residential lots and that sanitary sewer, storm sewer and municipal water services will be provided, at my cost, to the Urban land; and not to the Rural Estate land.

Therefore, I object to the proposed modification that will remove the USAB from 2 ha. of Black Bear's land. This land is also shown Schedule F-3 of OPA No. 15 Fenelon Falls Secondary Plan. Refer to Attachment 5.

If Council decides to approve the proposed modification, this letter serves as notice of my intent to appeal that decision. Black Bear currently has party status and will, if necessary, seek appellant status at the Case Management Conference (CMC) scheduled for April 6, 2021. I and my representatives have attended each prior CMC and will attend the upcoming CMC.

The LPAT's recent decision stated the "Tribunal noted that the appeals have been before it for a considerable length of time and the Tribunal informed the Parties that it wants these matters resolved in an expeditious and fair manner."

Additionally, Section 39 of the LPAT Act generally encourages parties to a CMC to discuss opportunities for settlement. Accordingly, BB has attempted to initiate settlement discussions with the City's planning consultant and planning staff, but they were unable to discuss the matter and referred BB to Thomson Rogers, the City's legal counsel. The City's legal counsel did not accept BB's offer to discuss settlement as it believes BB does not have "the requisite standing to engage in any settlement discussions with the City at this time."

Therefore, I request the Planning Advisory Committee and Council consider the following resolution:

*That the CKLOP, OPA No. 13 and OPA No. 15 – Fenelon Falls Secondary Plan not be modified to remove the Urban Settlement Area designation and Boundary from the Black Bear land comprised of approximately 17 ha. and described as Part Lot 25, Concession 10, Geographic Township of Fenelon.*

I believe my request, aligns with all three of Council's Strategic Goals. Creating an opportunity to expand the local economy by increasing the type and tenure of housing units in Fenelon Falls provide a basis for the beginning of and improvements to the quality of life in the community. Additionally, the combination of these components supports the growth and development options within the City that balance fiscal and environmental objectives.

All of which is respectfully submitted.

Yours truly,



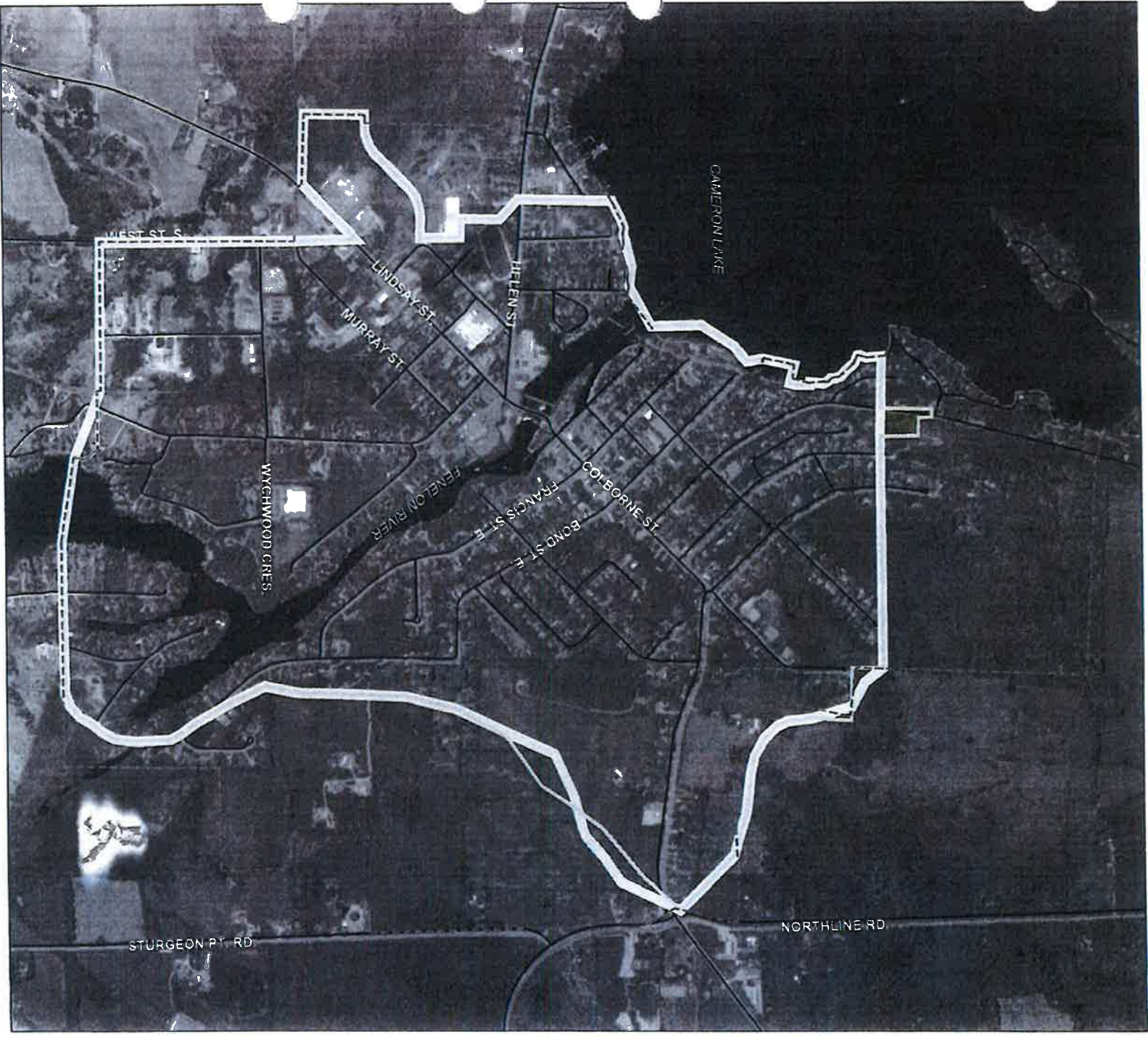
**JAMES R. WEBSTER**

JRW:ag

Encls.

ec: David Johnston - [d.johnstonconsulting7@gmail.com](mailto:d.johnstonconsulting7@gmail.com)  
Doug Carroll, MCIP, RPP - [dcplanningservices@bell.net](mailto:dcplanningservices@bell.net)  
Azeem Patel, Case Coordinator – Planner, LPAT - [Azeem.Patel3@ontario.ca](mailto:Azeem.Patel3@ontario.ca)





November 6, 2020



## FENLON FALLS SECONDARY PLAN AREA

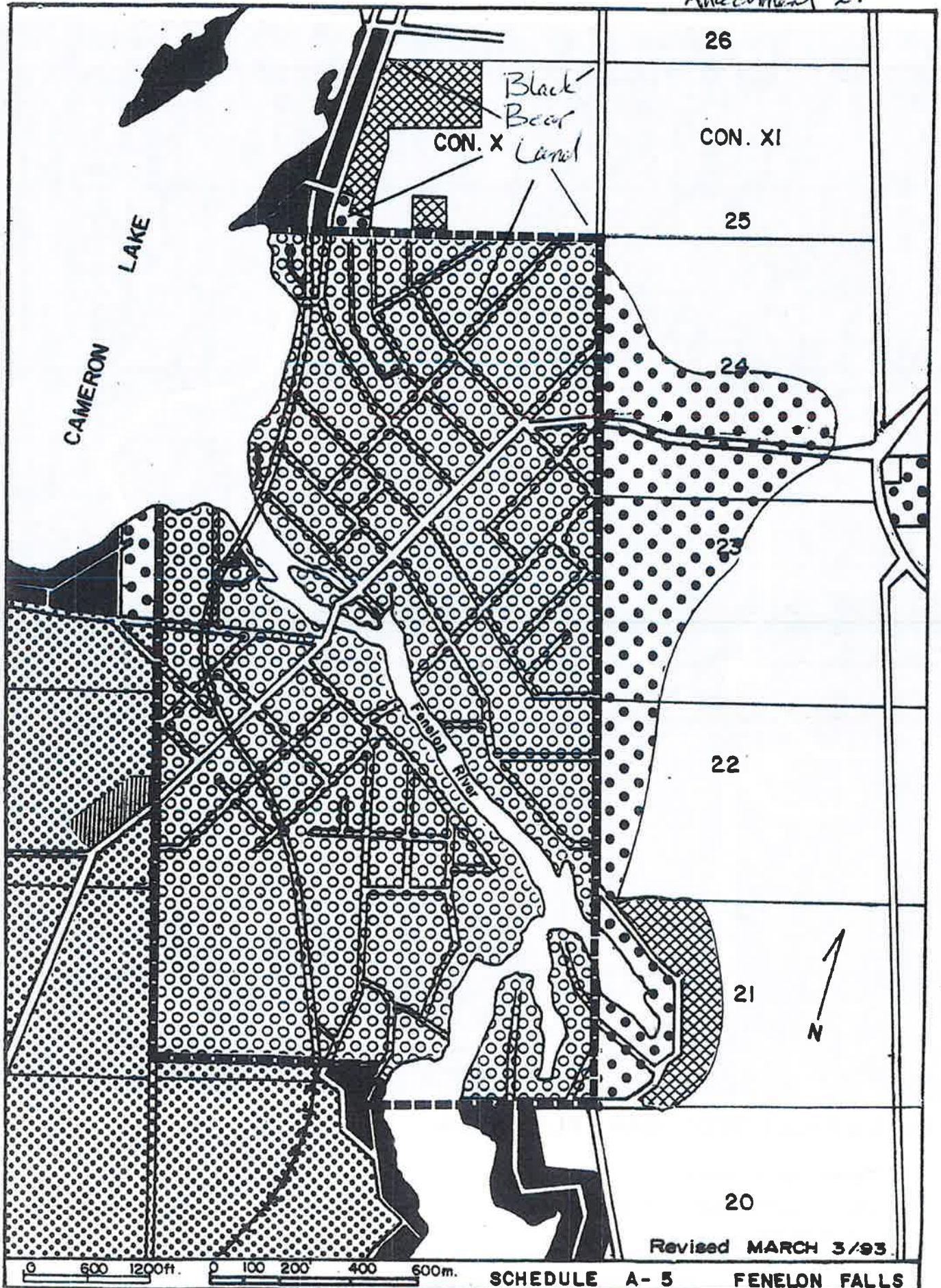
Planners Agreed Boundary

City of Kawartha Lakes OP (2012) Boundary






















OPA 13 Boundary





# LEGEND FOR SCHEDULES A-1 to A-19 <sup>Attachment 211</sup>

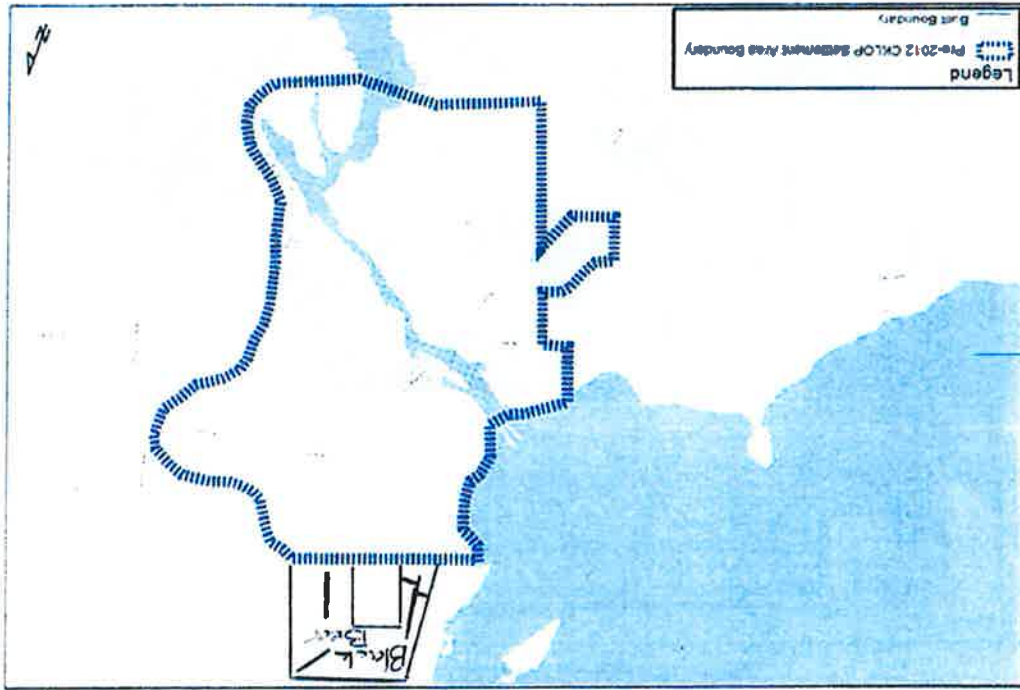
NOTE: A 90 degree rotation of this legend is required for proper interpretation of SCHEDULES A-2, A-11, A-13 and A-14.

	AGRICULTURAL
	GENERAL COMMERCIAL
	HIGHWAY COMMERCIAL
	HAMLET
	ENVIRONMENTAL PROTECTION
	INDUSTRIAL
	MOBILE HOME PARK
	OPEN SPACE
	PITS & QUARRIES
	RECREATION RESERVE
	RESORT ESTATE
	RESOURCE RESERVE
	RURAL
B3 	RURAL ESTATE
	SHOPPING CENTRE COMMERCIAL
	SPECIAL POLICY
	SHORELINE
B3 	URBAN
	BURNT RIVER STUDY AREA









Fenelon Falls Settlement Area Boundary

Attachment 'B', Map 2

Attachment 4



## AIRD BERLIS

Tom Halinski  
Direct: 416.865.7767  
E-mail: [thalinski@airdberlis.com](mailto:thalinski@airdberlis.com)

March 9, 2021

**BY EMAIL:** [LPATsubmissions@kawarthalakes.ca](mailto:LPATsubmissions@kawarthalakes.ca)

Our File No. 131855

Planning Advisory Committee  
City of Kawartha Lakes  
26 Francis Street  
Lindsay, Ontario  
K9V 5R8

Dear Members of the Committee:

**Re: Planning Advisory Committee - March 10, 2021  
Notice Respecting Adjustment of Settlement Area Boundaries in the Official Plan  
Local Planning Appeal Tribunal Appeal Case No. PL120217  
Comhold Investments Limited**

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We act on behalf of Comhold Investments Limited, which owns 9.11 hectares of land in the community of Bobcaygeon, located on the east side of Kawartha Lakes Road No. 36, south of Little Bob Drive and west of Pigeon Lake.

The Comhold lands were designated *Urban Settlement Area* within the City of Kawartha Lakes Official Plan (2012). The lands are currently home to the Pinecrest Nursing Home. In addition, our client has submitted applications under the *Planning Act* to develop the balance of its lands for assisted living uses.

Our client has taken an active part in the ongoing Local Planning Appeal Tribunal hearing process with respect to the 2012 Official Plan as well as the Secondary Plans affecting its lands. This participation included taking part in the planning experts' meetings which resulted in the proposed adjustments to the urban boundaries outlined in the City's Notice to the Public dated February 16, 2021. As previously communicated to all parties, our client supports the set of modifications agreed to through this process, including the revisions to the adopted boundaries, the policies needed to bring the Official Plan into conformity with Provincial planning policy, as well as the removal of the Candidate Sites referenced in the Notice.

Our client respectfully requests that City Council likewise confirm its support for the removal of the Candidate Sites from the urban boundary in its 2012 Official Plan. As Council is aware, after a detailed review, all of the land use planning experts involved in the LPAT hearing - including the City's witness - agreed that the Candidate Sites could be removed, so that their land area could be replaced by other lands in accordance with policy 2.2.8.4 of the Growth Plan for the Greater Golden Horseshoe.

In accordance with this framework, our client has provided the parties to the LPAT hearing, including the City, with its proposal that the Comhold lands be included in the urban boundary, as originally envisioned by the Official Plan, through a "swap" under policy 2.2.8.4. Our client's

March 9, 2021

Page 2

proposal is supported by detailed justification from its land use planning and engineering consultants, all of which have been provided to the City's counsel and experts for review.

Our client intends to pursue its proposal for a land swap to include the balance of its lands in the Bobcaygeon urban boundary, when the LPAT hearing process resumes. Comhold intends to work to secure the support of all parties to this proposal. It is our understanding that Comhold's swap request, given its modest land area, can be easily accommodated along with other owners' proposals to be included.

We respectfully request that City Council indicate its support for Comhold's proposal when it provides its direction to Staff and the City's legal counsel in advance of the next Case Management Conference.

Yours truly,

AIRD & BERLIS LLP



Tom Halinski  
TH/ly

AIRD BERLIS

**Long Point Farms Ltd.**  
**91 Willowbrook Road**  
**Thornhill, Ontario**  
**L3T 5K7**  
**905-881-6786**

March 9, 2021

Ms. Cathy Ritchie  
LPATsubmissions@kawarthalakes.ca

I, Alan Webster, am the president of Long Point Farms Ltd. which owns the property located at 765 County Road #121 and being part of lots 24 and 25 of concession 11 in the former Township of Fenelon with Roll #1651 210 0600 7700.

I object to any change to any current official plan designations for our property and also object to being unable to make personal attendance to prevent this proposed altering of the boundaries of the settlement area of our property. This is a high importance matter and should not be dealt with in this manner at this time of shutdown due to covid 19 since these lands were approved by the Ministry of Municipal Affairs and Housing in 2012 and have existed in that capacity since that time.

Sincerely,

A handwritten signature in cursive script that reads "Alan Webster".

Alan Webster  
President

# Black Sutherland LLP

Barristers & Solicitors

Telephone: 416.361.1500

Facsimile: 416.361.1674

**Nicholas T. Macos Direct: 416.840.1319**

E-mail: [nmacos@blacksutherland.com](mailto:nmacos@blacksutherland.com)

March 9, 2021

Mayor Latham and Members of the Planning Advisory Committee  
c/o City Clerk at [LPATsubmissions@kawarthalakes.ca](mailto:LPATsubmissions@kawarthalakes.ca)  
City of Kawartha Lakes  
26 Francis Street  
Lindsay ON  
K9V 5R8,

Dear Sirs:

**Re: Proposed modifications to the City of Kawartha Lakes Urban Settlement  
Boundaries**

---

The Council of the City of Kawartha Lakes, in response to the decision of the Local Planning Appeal Tribunal, has sent notice to landowners who may see their lands excluded from the urban settlement areas established by Council in either the City of Kawartha Lakes Official Plan or in Official Plan Amendment No. 13. Council has directed staff to settle the urban settlement boundaries.

The land use planners for the several landowner parties to the LPAT hearing; Bromont Homes, Vizatimet Investment, Comhold Investments and Fenelon Trails; have worked towards a resolution in accordance with methodology endorsed by the City's land use planning expert. The result is a reconfiguration of the urban boundaries as detailed in the analysis, chart and maps provided to the City's solicitors and land use planning expert. These documents also accommodate the interests of Black Bear Estates, whose lands may be excluded pursuant to the notices sent out by the City.

The methodology also addresses concerns of those parties to the LPAT hearing who do not have affected lands; J. Stollar Construction, Orsi Land Group, Catherine Gravely and William Wescott; that the urban settlement boundaries may have been expanded

without due consideration. The proposed reconfiguration addresses these concerns by reducing the urban settlement areas. The methodology used by the land use planners is also endorsed by the land use planner for Stollar Construction; who remains unsatisfied only with respect to reserve servicing capacity to service the lands to be added.

The landowner parties respectfully request that Council consider endorsing the proposed reconfiguration of the urban boundaries for settlement at the LPAT hearing scheduled in May. To achieve this settlement and satisfy Provincial Policy, the City must confirm reserve servicing capacity sufficient for these urban settlement areas. It is further requested that Council direct staff to release and confirm this reserve servicing capacity.

City endorsement will still require the agreement of the unaffected landowner parties and Council is requested to direct the City's solicitors and land use planner to resolve the concerns of these parties failing which they be directed to propose and advocate for the reconfigured boundaries as endorsed by Council. This proposal is without prejudice pending final resolution with all parties.

Yours truly,

BLACK SUTHERLAND LLP



Nicholas T. Macos

NTM:rcp

cc. Vizatimet Farms and Comhold Investments c/o Tom Halinski  
Fenelon Trails c/o Richard Taylor  
Bromont Homes Inc.



Tuesday, March 9, 2021

Ms. Cathy Ritchie

LPAT Submissions @ Kawatha Lakes, CA

In accordance with your notice to the public, please provide details concerning the case Management Conference by notice on Tuesday, April 6, 2021 at 10:00 am, in order that I may participate and submit input concerning our property at Lot 24 and 25, conversation 11, former Township of Fender to me at my e-mail address

Thank you very much

Yours Truly  
Alan Roberts



**Long Point Farms Ltd.**

91 Willowbrook Road  
Thornhill, Ontario  
L3T 5K7  
905-881-6786

March 9, 2021

Mayor and Members of Council  
City of Kawartha Lakes  
26 Francis Street  
Lindsay, ON K9V 5R8

Attention: Cathy Ritchie, City Clerk

Dear Ms Ritchie:

Re: OMB/LPAT File Nos. PL171407 and PL120217; Request Attendance  
at Case Management Conference; and Potential Removal From  
Settlement Area Fenelon Falls Secondary Plan, City of Kawartha Lakes

I have received the City's "Notice to The Public", dated February 16, 2021, together with Attachment 'C', Maps 1 to 5. I own approximately 70 ha. of land described as Part Lot 24 and Lot 25, Concession 11, Geographic Township of Fenelon. On March 8, 1978, the County of Victoria Official Plan (VCOP) designated approximately 13.5 ha. of my land Urban. Please refer to Attachment 1, being an air photo of the Fenelon Falls area, showing the boundary of the Fenelon Falls Secondary Plan, and Attachment 2 i and 2 ii, being Schedule A-5 – Fenelon Falls, of the VCOP and the related legend.

On July 7, 2015 Council adopted OPA No. 15 and Schedule F-3 designated approximately 13.5 ha. of my land Residential and within the Fenelon Falls Servicing Boundary, now referred to as Urban Settlement Area and within the related Boundary (USAB). Please refer to Attachment 3, being OPA No. 15 - Schedule F-3.

A portion of my land is shown on Attachment 4, as Candidate Site F-2 (13.50 ha.) to be removed from the USAB. The proposed removal of the USAB from this land does not recognize that this land that has been designated for residential use for 43 years.

Accordingly, I object to the proposed removal of the USAB from the 13.5 ha. of my land.

If Council decides to approve the removal of the USAB from my land, this letter serves as notice of my intent to appeal that decision. I will seek appellant status at the Case

Management Conference (CMC) scheduled for April 6, 2021. I and my representative will attend the upcoming CMC.

Therefore, I request the Planning Advisory Committee and Council consider the following resolution:

*That the Urban Settlement Area designation and Boundary not be removed from my land comprised of approximately 13.5 ha. and described as Part Lot 24, Concession 11, Geographic Township of Fenelon.*

Yours truly,



Alan Webster  
AW/

cc: Kevin Duguay, MCIP, RPP - [kevin@kmdplanning.com](mailto:kevin@kmdplanning.com)  
Azeem Patel, Case Coordinator – Planner, LPAT - [Azeem.Patel3@ontario.ca](mailto:Azeem.Patel3@ontario.ca)



James R. Webster, B.A., LL.B.

BARRISTER and SOLICITOR

P.O. BOX 103 • 20 FRANCIS ST. WEST • FENELON FALLS, ONTARIO • K0M 1N0

TEL: 705-887-2533

FAX: 705-887-4285

Email: jwebster@i-zoom.net

March 9, 2021

via email: [LPATsubmissions@kawarthalakes.ca](mailto:LPATsubmissions@kawarthalakes.ca)

Mayor and Members of Council  
City of Kawartha Lakes  
26 Francis Street  
Lindsay, ON K9V 5R8

Attention: Cathy Ritchie, City Clerk

Dear Ms Ritchie:

Re: OMB/LPAT File Nos. PL171407 and PL120217; Request Attendance  
at Case Management Conference; and Potential Removal From  
Settlement Area Fenelon Falls Secondary Plan, City of Kawartha Lakes

I have received the City's "Notice to The Public", dated February 16, 2021, together with Attachment 'C', Maps 1 to 5. My company, Black Bear Estates Inc. (Black Bear) owns approximately 4.3 ha. of land described as Part of Park Lot 3, R.P. 100, North of Princes Street, Former Village of Fenelon Falls. I appreciate this opportunity to provide Council with background information about the long-established approval for residential development of this land. Please refer to Attachment 1, being an air photo of the Fenelon Falls area, showing the boundary of the Fenelon Falls Secondary Plan.

On July 7, 2015 Council adopted OPA No. 15 and Schedule F-3 designated approximately 40 ha. of Black Bear's land Residential and within the Fenelon Falls Settlement Area boundary, now referred to as Urban Settlement Area and within the related Boundary (USAB). I agreed with that decision and did not appeal. On July 31, 2015 the Ministry appealed that designation and boundary, along with others. In 2019 the Growth Plan and in 2020 the Provincial Policy Statement policies changed and adjustments to the USAB are permitted. Accordingly, on June 3, 2020 the Ministry withdrew its appeal to the CKL OP and OPA NO. 15. Other appellants continue their efforts to have the USAB designation removed. Until now, this procedure has not required a decision of Council pursuant to the Planning Act and I could not previously appeal the proposed removal of the USAB from Black Bear land.

On June 26, 1989, nearly 32 years ago, the Low Density Residential and Environmental Constraint Area designations were approved for approximately 4.3 ha. of Black Bear land in the Official Plan for the Village of Fenelon Falls and the principle of residential use of this land was established. Refer to Attachment 2, being Schedule 'A' of the Village of Fenelon Falls Official Plan and to Attachment 3, being a proposed draft plan of subdivision, submitted to the City in 2007, on which Black Bear's land is outlined in red.

A portion of Black Bear's land is identified on Attachment 4, as Candidate Site F-1 (4.29 ha.) to be removed from the USAB. The proposed removal of the USAB from this land is contrary to

and ignores the 32 year old current Low Density Residential designation. That land and the adjacent 17 ha. of Black Bear land, has been designated for residential use for nearly 32 years and 35 years, respectively.

Therefore, I object to the proposed removal of the USAB from the 4.3 ha. of Black Bear land. This land is also shown Schedule F-3 of OPA No. 15 Fenelon Falls Secondary Plan. Refer to Attachment 5.

If Council decides to approve the removal of the USAB from the Black Bear land, this letter serves as notice of my intent to appeal that decision. Black Bear currently has party status and will, if necessary, seek appellant status at the Case Management Conference (CMC) scheduled for April 6, 2021. I and my representatives have attended each prior CMC and will attend the upcoming CMC.

The LPAT's recent decision stated the "Tribunal noted that the appeals have been before it for a considerable length of time and the Tribunal informed the Parties that it wants these matters resolved in an expeditious and fair manner."

Additionally, Section 39 of the LPAT Act generally encourages parties to a CMC to discuss opportunities for settlement. Accordingly, BB has attempted to initiate settlement discussions with the City's planning consultant and planning staff, but they were unable to discuss the matter and referred BB to Thomson Rogers, the City's legal counsel. The City's legal counsel did not accept BB's offer to discuss settlement as it believes BB does not have "the requisite standing to engage in any settlement discussions with the City at this time."

Therefore, I request the Planning Advisory Committee and Council consider the following resolution:

*That the Urban Settlement Area designation and Boundary not be removed from the Black Bear land comprised of approximately 22 ha. and described as Part of Park Lot 3, R.P. 100, North of Princes Street, Former Village of Fenelon Falls and Part Lot 25, Concession 10, Geographic Township of Fenelon.*

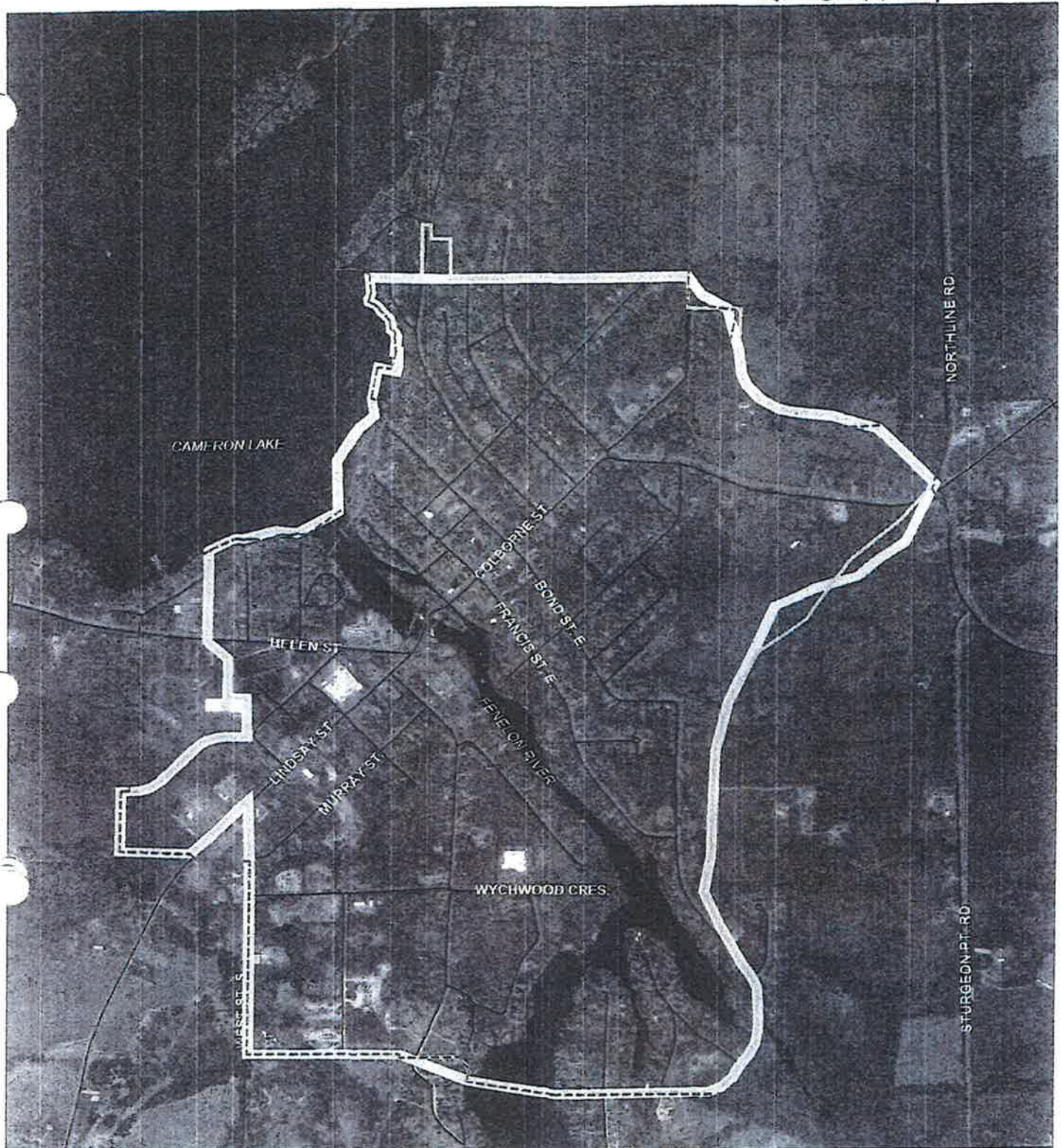
I believe my request, aligns with all three of Council's Strategic Goals. Creating an opportunity to expand the local economy by increasing the type and tenure of housing units in Fenelon Falls provide a basis for the beginning of and improvements to the quality of life in the community. Additionally, the combination of these components supports the growth and development options within the City that balance fiscal and environmental objectives.

All of which is respectfully submitted.  
Yours truly,

  
**JAMES R. WEBSTER**  
JRW:ag  
Encls.

cc: David Johnston - d.johnstonconsulting7@gmail.com  
Doug Carroll, MCIP, RPP - dcplanningservices@bell.net  
Azeem Patel, Case Coordinator – Planner, LPAT - Azeem.Patel3@ontario.ca





## FENLON FALLS SECONDARY PLAN AREA

November 6, 2020



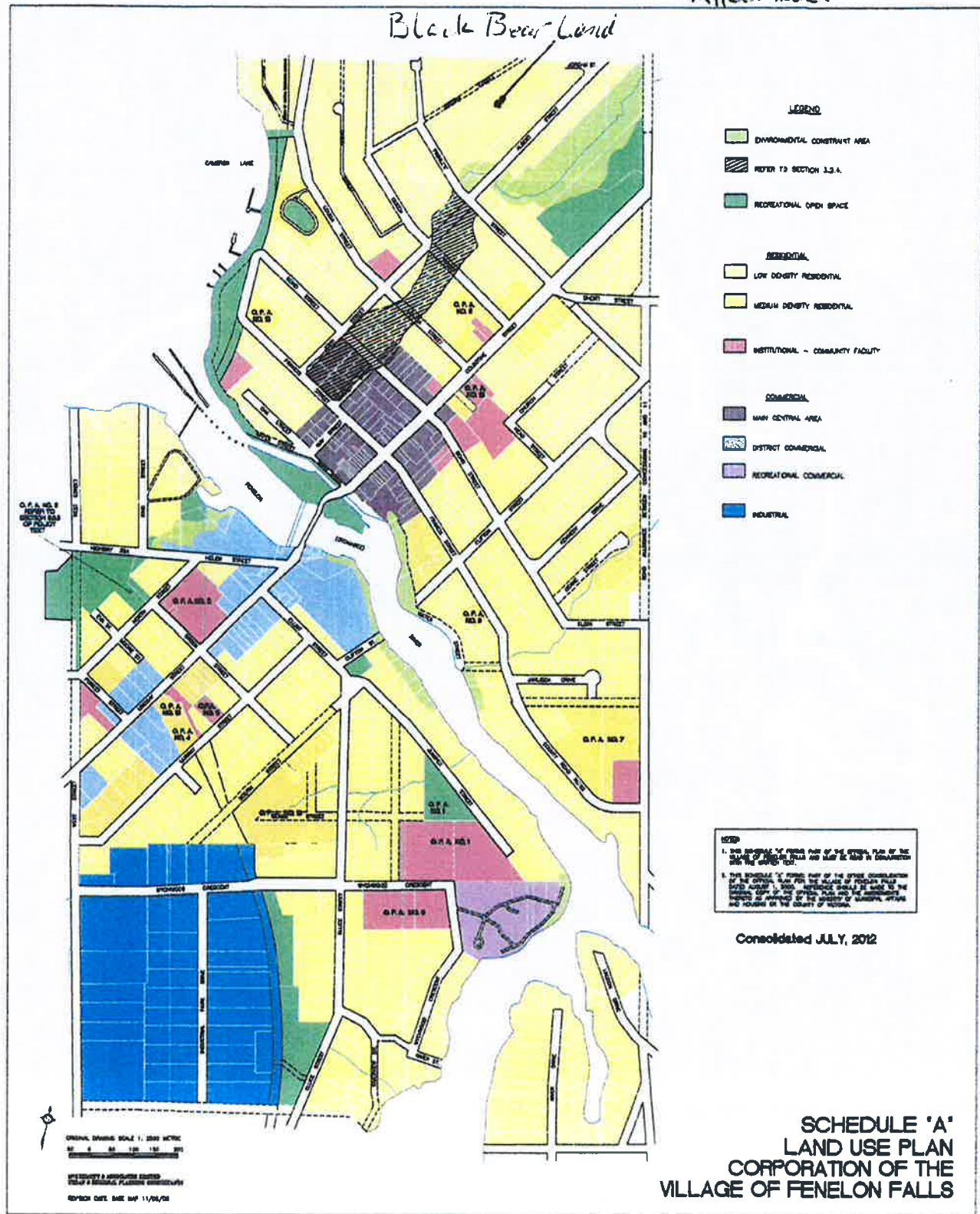
Planners Agreed Boundary

City of Kawartha Lakes OP (2012) Boundary

OPA 13 Boundary





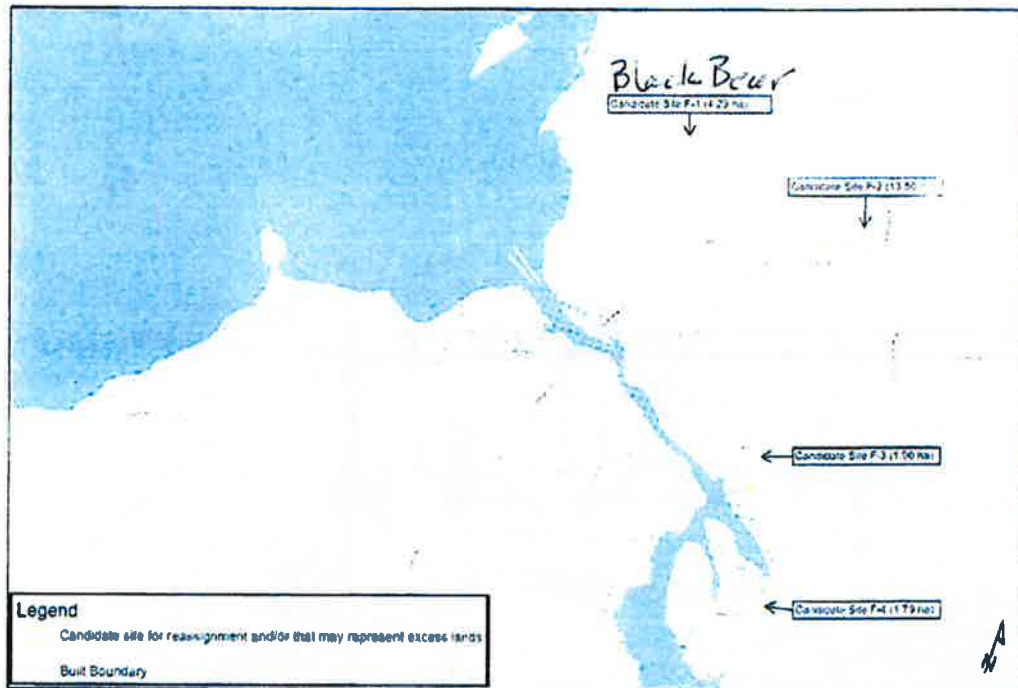






Attachment 4

**Attachment 'C', Map 2  
Fenelon Falls Candidate Sites**







## AIRD BERLIS

Tom Halinski  
Direct: 416.865.7767  
E-mail: [thalinski@airdberlis.com](mailto:thalinski@airdberlis.com)

March 9, 2021

**BY EMAIL:** [LPATsubmissions@kawarthalakes.ca](mailto:LPATsubmissions@kawarthalakes.ca)

Our File No. 133126

Members of the Planning Advisory Committee  
City of Kawartha Lakes  
26 Francis Street  
Lindsay, Ontario  
K9V 5R8

Dear Members of the Committee:

**Re: Planning Advisory Committee - March 10, 2021  
Notice Respecting Adjustment of Settlement Area Boundaries in the Official Plan  
Local Planning Appeal Tribunal Appeal Case No. PL120217  
Vizatimet Farms Ltd.**

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We act on behalf of Vizatimet Farms Ltd., which owns lands in the community of Lindsay, including a 3.2-hectare parcel on the east side of Verulam Road (Kawartha Lakes Road No. 36), and south of Weldon Road.

The Vizatimet lands were designated "Urban Settlement Area" in the City of Kawartha Lakes Official Plan (2012) and "Residential" in the Lindsay Secondary Plan implemented through OPA 16.

Our client has taken an active part in the ongoing Local Planning Appeal Tribunal hearing process with respect to the 2012 Official Plan as well as the Secondary Plans affecting its lands. This participation included taking part in the planning experts' meetings which resulted in the proposed adjustments to the urban boundaries outlined in the City's Notice to the Public dated February 16, 2021. As previously communicated to all parties, our client supports the set of modifications agreed to through this process, including the revisions to the adopted boundaries, the policies needed to bring the Official Plan into conformity with Provincial planning policy, as well as the removal of the Candidate Sites referenced in the Notice.

Our client respectfully requests that City Council likewise confirm its support for the removal of the Candidate Sites from the urban boundary in its 2012 Official Plan. As Council is aware, after a detailed review, all of the land use planning experts involved in the LPAT hearing - including the City's witness - agreed that the Candidate Sites could be removed, so that their land area could be replaced by other lands in accordance with policy 2.2.8.4 of the Growth Plan for the Greater Golden Horseshoe.

In accordance with this framework, our client has provided the parties to the LPAT hearing, including the City, with its proposal that the Vizatimet lands be included in the urban boundary, as originally envisioned by the Official Plan, through a "swap" under policy 2.2.8.4. Our client's

March 9, 2021  
Page 2

proposal is supported by detailed justification from its land use planning and engineering consultants, all of which have been provided to the City's counsel and experts for review.

Our client intends to pursue its proposal for a land swap to include the subject lands in the Lindsay urban boundary, when the LPAT hearing process resumes. Vizatimet intends to work to secure the support of all parties to this proposal. It is our understanding that Vizatimet's swap request, given its modest land area, can be easily accommodated along with other owners' proposals to be included.

We respectfully request that City Council indicate its support for Vizatimet's proposal when it provides its direction to Staff and the City's legal counsel in advance of the next Case Management Conference.

Yours truly,

AIRD & BERLIS LLP

A handwritten signature in blue ink, appearing to read 'Tom Halinski', with a stylized flourish at the end.

Tom Halinski  
TH/ly

**Black Sutherland LLP**  
Barristers & Solicitors

Telephone: 416.361.1500

Facsimile: 416.361.1674

**Nicholas T. Macos Direct: 416.840.1319**

E-mail: [nmacos@blacksutherland.com](mailto:nmacos@blacksutherland.com)

March 9, 2021

Mayor Latham and Members of the Planning Advisory Committee  
c/o City Clerk at [LPATsubmissions@kawarthalakes.ca](mailto:LPATsubmissions@kawarthalakes.ca)  
City of Kawartha Lakes  
26 Francis Street  
Lindsay ON  
K9V 5R8,

Dear Sirs:

**Re: Proposed modifications to the City of Kawartha Lakes Urban Settlement  
Boundaries**

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We are solicitors for Bromont Homes Inc. which has received Notice of proposed modifications to the City of Kawartha Lakes Urban Settlement Boundaries. Our client objects to the removal of its lands generally located along Lindsay Street and highway 7, from the Lindsay Urban Settlement Boundary. Bromont is a party to the current appeal before the Local Planning Appeal Tribunal but submits this objection to ensure its objection shall also be considered by the Planning Advisory Committee and Council.

We are also writing separately with respect to a resolution of the appeals accomplished by the land use planners for Bromont Homes, Vizatimet Farms, Comhold Investments and Fenelon Trails.

Yours truly,

BLACK SUTHERLAND LLP



Nicholas T. Macos

NTM:rcp

cc. Vizatimet Investments and Comhold Investments c/o Tom Halinski  
Fenelon Trails c/o Richard Taylor  
Bromont Homes Inc.