

The Corporation of the City of Kawartha Lakes
Committee of Adjustment Report – Piggott
Report Number COA2021-051

Public Meeting

Meeting Date: July 15, 2021
Time: 1:00 pm
Location: Council Chambers, City Hall, 26 Francis Street, Lindsay

Ward 7 – Former Town of Lindsay

Subject: An application to sever an approximately 575.3 square metre (6,192.5 square foot) residential lot and retain an approximately 1,025.2 square metre (11,035.2 square foot) residential lot containing a dwelling addressed as 102 Angeline Street South.

The property is addressed as 102 Angeline Street South, former Town of Lindsay (File D03-10-060).

Author: David Harding, Planner II, RPP, MCIP

Signature:



Recommendation:

Resolved That Report COA2021-051 Piggott be received;

That consent application D03-10-060, being an application to sever an approximately 575.3 square metre lot and retain an approximately 1,025.2 square metre lot with the conditions of provisional consent substantially in the form attached as Appendix 'H', be GRANTED.

Background: The owners propose to sever off the rear yard of the dwelling addressed as 102 Angeline Street South to create an additional residential lot. The potential for consent became available when the Green Arbour Way Subdivision was developed around the subject property and road access to the rear of the lot became possible.

The application was originally submitted in late 2010. At that time, legal and technical concerns were raised by the developer of the Green Arbour Way Subdivision, Wilson Developments (Lindsay) Inc. One of the concerns related to sharing the fair cost of the infrastructure the proposed lot would benefit from. The cost-sharing requirement was incorporated into the 2009 subdivision agreement as Condition 36. An excerpt of the agreement is included in Appendix 'E'. Another concern raised by the developer was the ability of the lot to obtain access onto Green Arbour Way, as: (1) the road, as a newly built subdivision road, was not assumed by the City, and (2) there was a strip of land legally identified as Block 20, 57M-788, owned by the City, which prevented access from Green Arbour Way to the proposed severed lot.

The proposal was held in abeyance so that:

- (1) the owners could investigate obtaining title to a portion of Block 20 so that the proposed lot could have access to Green Arbour Way,
- (2) the maintenance period for Green Arbour Way would pass and the road would be assumed, and
- (3) the proposal's fair share of the subdivision's infrastructure costs could be calculated.

Council agreed in principle to the sale of the land and the road is now assumed. Development Engineering has reviewed the developer's calculation of the infrastructure costs to be shared in Appendix F, and agrees with their findings. As such, the application can now proceed.

Due to the passage of time, the application was re-advertised in December 2020. In response to the advertisement, comments and concerns were submitted, see Appendix G. A subsequent notification of the public meeting was also sent out June 30.

Owners: Dale, David, Timothy and Gregory Piggott

Applicant: Dale Piggott

Legal Description: Part of Park Lot S, Plan 8P

Official Plan:	"Residential" within the Town of Lindsay Official Plan		
Zone:	"Residential Two" (R2) Zone" within the Town of Lindsay Zoning By-law 2000-75		
Site Size:	Severed – 575.3 square metres Retained – 1025.2 square metres		
Site Servicing:	Municipal water and wastewater		
Existing Uses:	Residential		
Adjacent Uses:	North:	Residential, Institutional	
	South:	Residential, Institutional	
	East:	Residential	
	West:	Industrial, Institutional, Residential	

Rationale:

Policy Conformity

Provincial Policy Statement, 2020 (PPS)

Sections 1.1.1(a) and (b) encourage the efficient development of land use patterns through accommodating an affordable range of housing types, employment, institutional, recreational, and other uses to meet the long term needs of municipalities.

Section 1.1.3 states that settlement areas shall be the primary focus of growth and development in order to ensure their long term vitality and economic prosperity. Land uses within settlement areas are to be of a range of densities that are to efficiently use land and resources. Opportunities for intensification and redevelopment are encouraged to establish efficient land use patterns. Intensification facilitates opportunities for transit-supportive development and the better utilization of infrastructure and public service facilities.

Section 1.4 directs municipalities to provide for a broad range and mix of housing options to meet the needs of a wide range of household incomes at all stages of life. The proposal does provide additional forms of housing and increasing density by proposing an additional single detached dwelling on a smaller lot.

The application proposes intensification with an existing residential neighbourhood on full municipal services.

The application is consistent with the PPS.

Growth Plan for the Greater Golden Horseshoe, 2019 (Growth Plan)

The Growth Plan provides a framework to plan for growth and development in urban areas. The Growth Plan provides that growth, including intensification, should be directed towards settlement areas, and utilize existing or planned

infrastructure. The subject property is located within the Lindsay settlement area. The Growth Plan contains settlement area policies to facilitate the development of settlement areas as complete communities. Complete communities are intended to provide a wide assortment of uses to support the daily needs of residents of all ages. Additional growth within settlement areas assists in achieving complete communities through items such as providing for a more compact built form, which in turn optimizes the use of infrastructure.

Section 2.2.1.4 of the Growth Plan encourages a range and mix of housing options in order to assist in the creation of complete communities.

Section 2.2.6 encourages the provision of diverse housing stock in order to accomplish the PPS's direction to establish and maintain complete communities.

The application conforms to the Growth Plan.

Town of Lindsay Official Plan (Official Plan)

As the Lindsay Secondary Plan is appealed to the Ontario Land Tribunal, the policies of the Town of Lindsay Official Plan remain in effect. The subject property is within the "Residential" designation. This neighbourhood would be considered a low density residential area.

Low density residential areas are classified as single detached, semi-detached, duplex, or other similar low profile residential buildings. Due to the existing zone category, a single detached dwelling is the most intensive primary use permitted on the site. The surrounding residential uses within the neighbourhood contain older single detached dwellings along Angeline Street South and newer single detached and a single storey multi-residential building along Green Harbour Way.

The application proposes intensification in the form of a low density use in a low-density residential area.

Angeline Street South is identified as a (formerly) county road. Section 5.1.3.2 of the Official Plan identifies that a width of a county road allowance should be 26.0 metres. Development Engineering has provided comment in Section E identifying the need for a 3.0 metre widening.

The application conforms to the Official Plan.

Zoning By-law Conformity and Planning Staff Analysis

The lot is zoned "Residential Two (R2) Zone" within the Town of Lindsay Zoning By-law 2000-75.

The subject property contains an existing dwelling with a detached garage behind it. Driveway access is obtained from Angeline Street South. The property is located within a neighbourhood with residential buildings of a variety of ages along with institutional buildings (Caressent Care Lindsay, HKPR Health Unit, Lindsay Medical Centre). The lots within this neighbourhood are of varying sizes and depths. The predominant residential built form is of single detached dwellings, but there is also a single level building on Green Harbour Way containing multiple dwelling units.

The parcel to be severed exceeds the minimum lot area requirement of 360 square metres by proposing about 575.3 square metres. The area will increase by 22 square metres with the acquisition of part of Block 20, 57M-788 to obtain road access. The severed parcel proposes a minimum lot frontage of 17.1 metres whereas the by-law requires 12 metres. The neighbourhood is made up of a mixture of lot areas and frontages. The proposal adds variety to the lot fabric and also proposes an area and frontage in keeping with the lots along Green Harbour Way.

The lot to be retained exceeds the minimum lot area and frontage requirements of the R2 Zone by proposing about 1,025.2 square metres and 18.38 metres respectively. The area will be slightly less once a road widening is taken off of Angeline Street South frontage in accordance with Engineering's comments. Any front yard reduction which results in a setback deficiency due to the municipal taking of land on Angeline St S will be deemed legal non-compliant as per Section 5.29 of the Zoning By-law.

The subject property is one of a series of three very deep lots within the neighbourhood. The consent, if granted, will increase the parcel fabric density within this neighbourhood while maintaining compliance with the existing zone category.

Sufficient rear yard space upon the retained lands remains for outdoor recreational purposes.

Condition 7 is recommended to decommission a well, which appears to serve no useful purpose within a municipally serviced area.

The proposal represents a good and logical intensification opportunity of a through lot configuration. The new lot will add to neighbourhood density without changing the width of the lot, will make better use of an underutilised rear yard, and will better utilise existing municipal infrastructure.

Other Alternatives Considered:

No other alternatives were considered. Staff identified to the applicant that they may wish to submit a concept plan of the proposed build to alleviate neighbour concerns. The concerns relate primarily to architectural design.

Servicing Comments:

The land is within an area that contains full municipal services.

Consultations:

Notice of this application was circulated in accordance with the requirements of the Planning Act. Comments have been received from:

Agency Comments:

Building and Septic Division – Plans Examiner (December 11, 2020): No concerns

Development Engineering Division (December 14, 2020): No concerns.

Compensation for Services Developed by subdivision developer should be

referenced. Concur with the compensation sum generated by the developer. A 3.0 metre road widening is requested on the retained lot.

Community Services Department (December 17, 2020). No concerns. Cash-in-lieu of parkland payment requested.

Public Comments:

Don and Jean Wilson (December 17, 2020): Residents of 11 Green Arbour Way. Letter of Objection. See Appendix 'G'.

Wilson Developments (Lindsay) Inc. (December 17, 2020): Resident of 174 William Street North. Letter of Objection. See Appendix 'G'.

Henry and Stella Regnitter (January 5, 2021): Residents of 31 Green Arbour Way. Letter of Objection. See Appendix 'G'.

Sharon McCrae (December 22, 2020): Resident of 25 Green Arbour Way. Letter of Objection. See Appendix 'G'.

Dave and Judy Warren (December 22, 2020): Residents of 9 Green Arbour Way. Letter of Objection. See Appendix 'G'.

Betty Fox (December 22, 2020): Resident of 37 Green Arbour Way. Letter of Objection. See Appendix 'G'.

A petition was also submitted on December 22, 2020 objecting to the proposal. See Appendix 'G'.

Planning Division Comments:

Staff have reviewed the objections and concerns and have broadly classified them into the following points:

1. Impact on property values
2. Impact to neighbourhood character
3. Impact to views and privacy
4. The grading of the lot, including driveway access
5. Fair compensation of the developer's subdivision expenses
6. The function of Block 20, 57M-788

Staff offers the following in response to those concerns:

The Planning Act contains no mechanism to consider impacts to property values.

The proposed lot will comply with the frontage and area requirements of the R2 Zone, and no relief is sought to build a future single detached dwelling on said lot. Additionally, the lot is not within a heritage conservation district. As such, the Planning Division cannot impose architectural control over the property to ensure a match with the other dwellings on Green Arbour Way.

The north wall of the new dwelling wall will face and/or be visible from the single storey dwellings addressed as 7, 9, and 11 Green Arbour Way. The R2 Zone permits a dwelling to be constructed with an interior side yard setback of 1.25 metres and height of 10.5 metres. The Planning Act contains no mechanism to

consider or protect the views of these properties into the rear yard of the subject property. There will be some loss to privacy as a result of erecting a new dwelling within the rear yard of the subject property. However, the nature of the loss: multiple rear yards facing an interior side yard, is a common configuration within urban areas where there are corner lots.

Any proposed development will require a lot grading and drainage plan. The plan will address how the lot is to be suitably graded.

A condition has been added to ensure the developer is fairly compensated for their share of the subdivision services the proposed lot is benefitting from.

The purpose of Block 20, 57M-788 is to act as an additional mechanism to guide the orderly development and use of land. Council in 2010 decided it was appropriate to convey a portion of Block 20 to allow a residential infill lot to be created. Council's decision is consistent with Condition 36 of the subdivision agreement, which anticipated that infill lot creation may occur. Without Block 20 (i.e. if it had been part of the Green Arbour Way road allowance), the existing lots along Angeline Street could have had driveways installed onto Green Arbour Way even if no development was proposed. The approach ensures access onto Green Arbour Way via Block 20 will only be entertained if new development in the form of lot creation is proposed.

Attachments:



Appendices A-H to
COA2021-051

Appendix A – Location Map
Appendix B – Aerial Photo
Appendix C – Applicant's Sketch
Appendix D – Department and Agency Comments
Appendix E – Green Arbour Way Subdivision Agreement Excerpt
Appendix F – Developer Compensation Calculation
Appendix G – Public Comments
Appendix H – Proposed Conditions of Provisional Consent

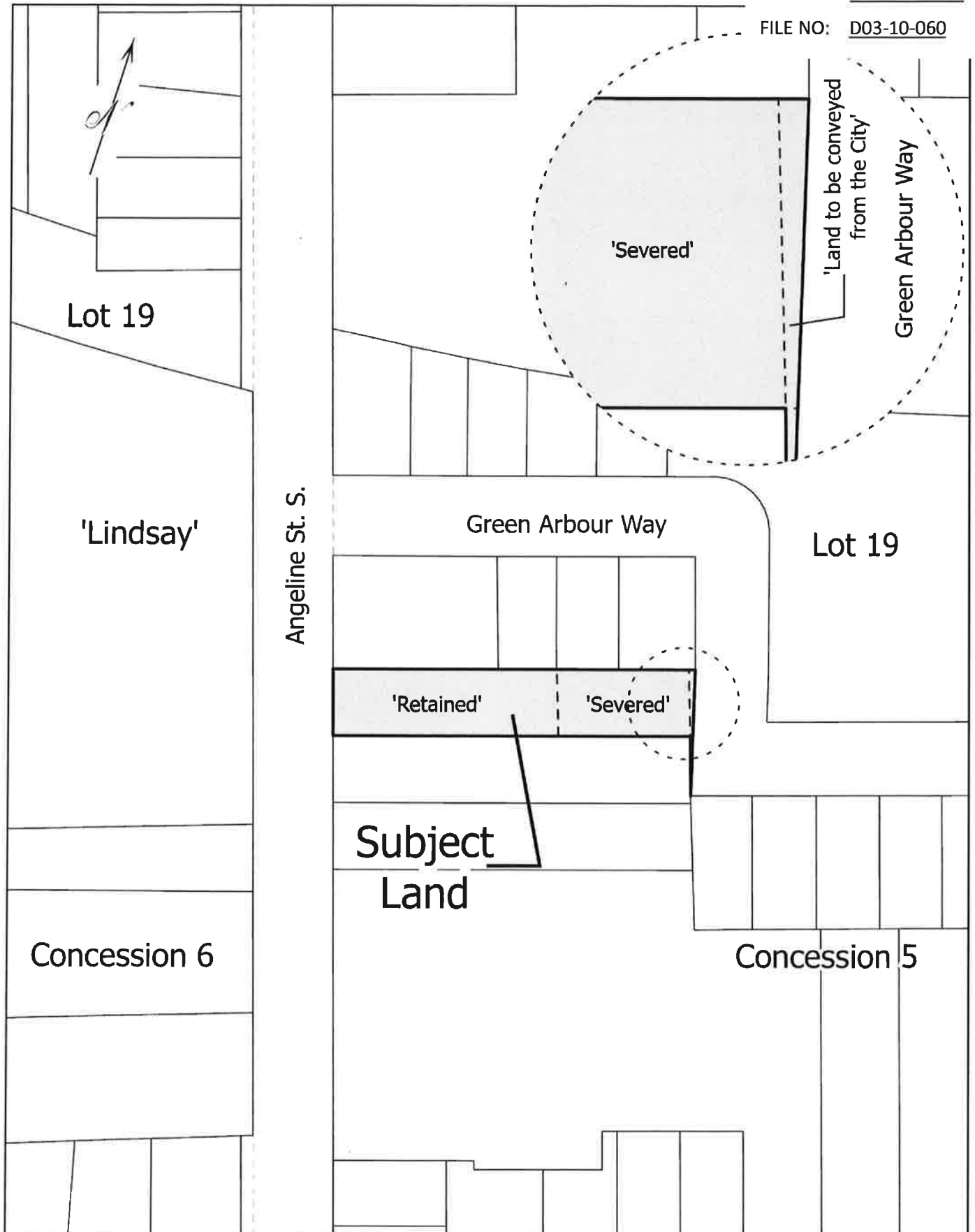
Phone: 705-324-9411 extension 1206
E-Mail: dharding@kawarthalakes.ca
Department Head: Richard Holy, Acting-Director of Development Services
Department File: D03-10-060

D03-10-060

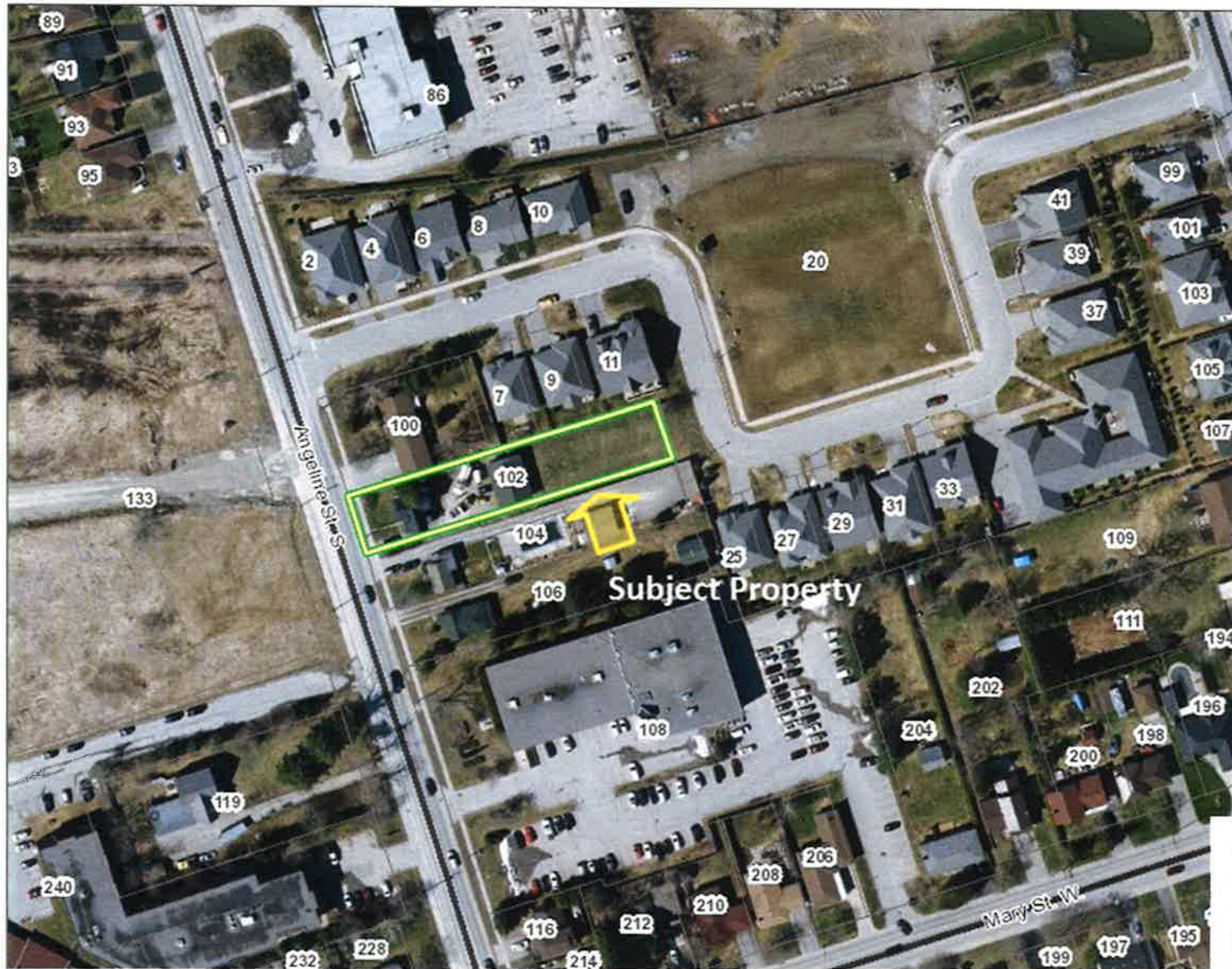
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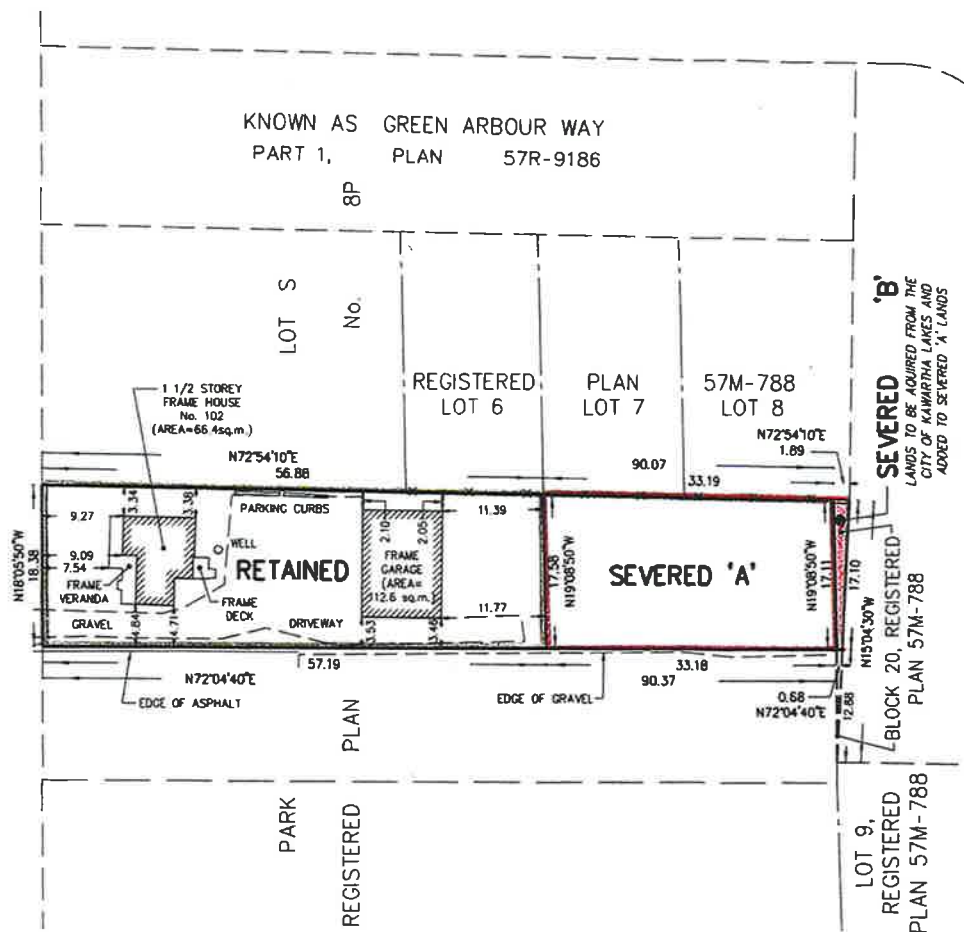
REPORT COA2021-051

FILE NO: D03-10-060



102 Angeline Street South, Former Town of Lindsay





APPENDIX "C"

David Harding

From: Derryk Wolven
Sent: Friday, December 11, 2020 3:56 PM
To: Charlotte Crockford-Toomey
Subject: D03-10-60 102 Angeline ST S

Follow Up Flag: Follow up
Flag Status: Flagged

APPENDIX " D "
to
REPORT COA2021-051
FILE NO. D03-10-060

Building division has no concerns.

Derryk Wolven
Plans Examiner
City of Kawartha Lakes Building Division



City of Kawartha Lakes
Community Services
50 Wolfe Street
Lindsay, Ontario K9V 2J2
Tel: 705-324-9411 ext 1300
Toll Free: 1-888-822-2225
ldonnelly@kawarthalakes.ca
www.kawarthalakes.ca

LeAnn Donnelly, Executive Assistant, Community Services

MEMORANDUM

DATE: December 17, 2020
TO: **Committee of Adjustment**
FROM: LeAnn Donnelly, Executive Assistant, Community Services
RE: Various Applications

This memorandum confirms receipt of various applications for Consent to the Community Services Department. Our Department would request that, as a condition of this Consent, the Committee consider the appropriate cash-in-lieu of parkland against the value of each lot created for the following applications:

D03-10-060 102 Angeline Street South

LeAnn Donnelly

LeAnn Donnelly
Executive Assistant, Community Services

David Harding

From: Christina Sisson
Sent: Monday, July 5, 2021 3:27 PM
To: David Harding
Cc: Kirk Timms; Kim Rhodes; Daniel Woodhead
Subject: RE: 20201214 D03-10-060 - Engineering review

Importance: High

Good afternoon,
Indeed the right of way for Angeline Street South is 26.0 metres.
Therefore, the consent shall include a requirement for a 3.0 metre widening on the east side.
Thank you,
Christina

Christina Sisson, P.Eng. (she/her)
Supervisor, Development Engineering
Lean Six Sigma Black Belt
Engineering & Corporate Assets, City of Kawartha Lakes
705-324-9411 ext. 1152 (office)
705-878-3186 (mobile)
www.kawarthalakes.ca



Our office is closed to the public. Please note all courier packages and mail must be directed to City Hall, 26 Francis Street, Box 9000, Lindsay, ON, K9V 5R8.

From: David Harding
Sent: Monday, July 5, 2021 2:20 PM
To: Christina Sisson
Subject: RE: 20201214 D03-10-060 - Engineering review

Hello Christina,

Are there any road widening issues with this one? Please let me know.

Thanks.

David Harding RPP, MCIP
Planner II
Development Services – Planning Division

From: Mark LaHay <mlahay@kawarthalakes.ca>
Sent: Monday, December 14, 2020 11:40 AM
To: David Harding <dharding@kawarthalakes.ca>; Kent Stainton <kstainton@kawarthalakes.ca>
Cc: Charlotte Crockford-Toomey <ccrockford-toomey@kawarthalakes.ca>
Subject: FW: 20201214 D03-10-060 - Engineering review

FYI - file

From: Kim Rhodes
Sent: Monday, December 14, 2020 8:51 AM
To: Mark LaHay
Cc: Christina Sisson ; Kirk Timms ; Benjamin Courville ; Daniel Woodhead
Subject: 20201214 D03-10-060 - Engineering review

Please see the message below from Christina Sisson:

Good morning Mark – further to our engineering review of the following:

Consent – D03-10-060
102 Angeline Street South
Part of Park Lot S, Plan 8P
Former Town of Lindsay

It is the understanding by Engineering that the purpose of the application is to sever an approximately 575.3 square metre (6,192.5 square foot) residential lot and retain an approximately 1,025.2 square metre (11,035.2 square foot) residential lot containing a dwelling addressed as 102 Angeline Street South.

From an engineering perspective, we have no objection to the proposed Consent. Please note in order to service Severed 'A', Severed 'B' will need to be acquired from the City. The Green Arbour Way Subdivision agreement (attached) registered as KL29852 on October 30, 2009 Section 36. Compensation for Services Developed By Owner should be referenced.

Please do not hesitate to contact our office if you have any questions.

Thanks,

CHRISTINA

Christina Sisson, P.Eng.
Supervisor, Development Engineering
Engineering & Corporate Assets, City of Kawartha Lakes
705-324-9411 ext. 1152 www.kawarthalakes.ca



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APPENDIX E
to
REPORT COA2021-051
FILE NO. D03-10-060

Document General

Subdivision Agreement

Between

Wilson Developments (Lindsay) Inc.

- and -

The Corporation of the City of Kawartha Lakes

GREEN ARBOUR WAY SUBDIVISION

Dated as of 16th October, 2009

35. SUBORDINATION

The Owner shall be required to provide the postponement or subordination of any existing mortgage or charge holder to the registration of this Agreement.

36. COMPENSATION FOR SERVICES DEVELOPED BY OWNER

The City acknowledges that certain lands abutting the said Subdivision are not owned by the Owner. In the event a new lot is created from said lands, the new lot so created would front on the roadway, "Green Arbour Way", developed by the Owner for the Subdivision and to be assumed by the City. The City acknowledges that development on such lots would benefit from the services developed by the Owner for the Subdivision.

In the event an owner of any lands abutting any part of the Subdivision makes an application for Consent under the *Planning Act*, R.S.O. 1990, c. P. 13, or any successor or similar legislation, to sever a new lot from an existing lot so that the severed or retained lot so created would front on any roadway developed for the Subdivision and subsequently assumed by the City, the City agrees that it will use its best efforts to ensure that the Committee of Adjustment, or other body with the authority to grant such consent to create a new lot within the City of Kawartha Lakes, shall require the applicant making such application to pay the Owner an amount that is proportionate, based on the frontage of the lot so created relative to the aggregate frontage of all lots created for said Subdivision, to the amount expended by the Owner to develop all services for the Subdivision, where the said lot fronts on said roadway or where said lot fronts on a Block identified on the Plan of Subdivision which fronts on said roadway.

37. MISCELLANEOUS

a) Every provision of this Agreement by which the Owner is obligated in any way shall be deemed to include the words "at the expense of the Owner" unless the Agreement specifies otherwise.

b) The City and Owner AGREE that they shall perform all of their respective obligations under this Agreement in an expeditious manner, which obligations include those set out in the Schedules attached hereto.

c) In the event that a Court determines that any provision of this Agreement, including any provisions set out in the Schedules attached to this Agreement is void or unenforceable:

- i) such provision shall be deemed severed from the Agreement and the balance of the Agreement and its Schedules shall continue in full force and effect; and
- ii) the parties shall provide and perform such further assurances as are necessary to ensure the implementation

SCHEDULE "B"
LAND FOR MUNICIPAL PURPOSES

1. EASEMENTS FOR GENERAL MUNICIPAL PURPOSES

The Owner shall grant at its expense and in favour of the City the following easements for General Municipal Purposes: Parts 1 as shown on Plan 57R-9793; Part 2 on Plan 57R-9793; Parts 3 on Plan 57R-9793; Parts 4 on Plan 57R-9793; Part 5 on Plan 57R-9793; Part 6 on Plan 57R-9793.

2. EASEMENTS FOR UTILITY PURPOSES

The Owner shall grant such easements as may be required for utility purposes to the appropriate authority.

3. BLOCK 19

The Owner shall grant an easement as may be required for municipal and utility purposes over Block 19 on Plan 57M-788 to the appropriate authority/authorities; The Owner shall grant an easement to Hydro One Networks Inc., or the appropriate authority/authorities, over Part 1 57R-9794, being part of Block 19 on Plan 57M-788, for the purposes of maintaining a Hydro Kiosk.

4. 0.3 METRE RESERVES

The Owner shall convey Block 20 as shown on Plan 57M-788 to the City for the purpose a reserve.

5. STORMWATER MANAGEMENT FACILITIES

The Owner shall convey Block 21 as shown on Plan 57M-788 to the City for the purpose of stormwater management.

6. PUBLIC HIGHWAYS

The streets to be constructed in this development shall be conveyed and dedicated to the City of Kawartha Lakes for public highway purposes at no cost to the City and free of all liens and encumbrances.

APPENDIX F

to

REPORT COA2021-057FILE NO. D03-10-060

June 9, 2021			
Green Arbour Way Centerline Distance		376	lm
Green Arbour Way Lot Frontage		752	
Schedule "D"			
SUB-TOTAL	\$1,195,477.11		
5% GST	\$59,773.86		
Total	\$1,255,250.97		
3.5% Eng Fee on SUB-TOTAL	\$41,841.70		
	\$1,297,092.67		
	\$1,724.86 /lm		
Inflation from 2009 to 2015	1911.13		
Severed Lot Frontage	17.11	lm	
	\$32,699		

SCHEDULE 'D'

Summary of Service Costs
Green Arbour Way
Lindsay, Ontario
D.M. Willis Project No. 02-1717

Stage 1		Quantity	Unit	Unit Price	Total Works	% Complete	10% of Completed Works	Work Remaining
Mob, Demob and Earth Grading	1 ea		\$	93,189.10	\$ 93,189.10	100%	\$ 9,318.91	\$ -
Granular 'B' (450mm)	3500 l		\$	8.16	\$ 28,560.00	100%	\$ 2,856.00	\$ -
Granular 'A' (150mm)	1400 l		\$	15.10	\$ 21,140.00	100%	\$ 2,114.00	\$ -
HL-8 Base Asphalt (50mm)	480 l		\$	88.74	\$ 42,595.20	100%	\$ 4,259.52	\$ -
Reinstate Adelaide & Angeline St.	130 m ²		\$	94.58	\$ 12,295.40	100%	\$ 1,229.54	\$ -
Connect to Existing Sanitary	1 ea		\$	2,667.58	\$ 2,667.58	100%	\$ 266.76	\$ -
200mm Sanitary Sewer	416 m		\$	151.40	\$ 62,982.40	100%	\$ 6,298.24	\$ -
Sanitary Manholes	9 ea		\$	4,009.97	\$ 36,089.73	100%	\$ 3,608.97	\$ -
Sanitary Manholes	158 m		\$	130.56	\$ 20,629.48	100%	\$ 2,062.85	\$ -
CCTV Sanitary Sewer	416 m		\$	5.57	\$ 2,317.12	100%	\$ 231.71	\$ -
150mm Subdrain	850 m		\$	18.97	\$ 16,124.50	100%	\$ 1,612.45	\$ -
200mm CSP	21 m		\$	107.87	\$ 2,265.27	100%	\$ 226.53	\$ -
250mm Storm Sewer	112 m		\$	151.51	\$ 16,969.12	100%	\$ 1,696.91	\$ -
150mm Watermain	426 m		\$	144.28	\$ 61,463.28	100%	\$ 6,146.33	\$ -
300mm Storm Sewer	22 m		\$	145.87	\$ 3,209.14	100%	\$ 320.91	\$ -
375mm Storm Sewer	18 m		\$	186.63	\$ 3,359.34	100%	\$ 335.93	\$ -
525mm Storm Sewer	21.5 m		\$	243.99	\$ 5,245.79	100%	\$ 524.58	\$ -
600mm Storm Sewer	96.5 m		\$	254.59	\$ 24,567.94	100%	\$ 2,456.79	\$ -
900mm Storm Sewer	304 m		\$	416.92	\$ 126,743.68	80%	\$ -	\$ 25,348.74
Catchbasins	14 ea		\$	1,845.00	\$ 25,830.40	100%	\$ 2,583.84	\$ -
1500mm Storm Manhole	10 ea		\$	3,772.47	\$ 37,724.70	100%	\$ 3,772.47	\$ -
2400mm Storm Manhole	3 ea		\$	10,872.85	\$ 32,618.55	100%	\$ 3,261.86	\$ -
Connect to Existing Storm	2 ea		\$	1,138.19	\$ 2,276.38	100%	\$ 227.64	\$ -
CCTV Storm Sewer	574 m		\$	5.57	\$ 3,197.18	100%	\$ 319.72	\$ -
Storm Services	159 m		\$	117.98	\$ 18,758.82	100%	\$ 1,875.88	\$ -
Fire Hydrants	3 ea		\$	4,730.49	\$ 14,191.47	100%	\$ 1,419.15	\$ -
Connect to Existing	2 ea		\$	2,479.41	\$ 4,958.82	100%	\$ 495.88	\$ -
Water Services	180 m		\$	105.00	\$ 19,054.80	100%	\$ 1,905.48	\$ -
Headwalls	2 ea		\$	6,150.80	\$ 12,301.60	100%	\$ 1,230.16	\$ -
Silt Fence	800 m		\$	8.92	\$ 7,136.00	100%	\$ 713.60	\$ -
Rock Check Dams	1 ea		\$	961.00	\$ 961.00	100%	\$ 96.10	\$ -
Mud Mat	2 ea		\$	2,312.00	\$ 4,624.00	100%	\$ 462.40	\$ -
Siltation Pond	1 L.S.		\$	18,917.50	\$ 18,917.50	50%	\$ -	\$ 9,458.75
Fencing and Landscaping for Pond	1 ea		\$	25,000.00	\$ 25,000.00	0%	\$ -	\$ 25,000.00
Curb and Gutter	850 m		\$	69.67	\$ 59,219.50	100%	\$ 5,921.95	\$ -
Electrical	410 m		\$	100.00	\$ 41,000.00	100%	\$ 4,100.00	\$ -
Street Lights	14 ea		\$	1,500.00	\$ 21,000.00	100%	\$ 2,100.00	\$ -
Asphalt Driveway Aprons	20 ea		\$	1,500.00	\$ 30,000.00	50%	\$ -	\$ 15,000.00
Topsoil and Sod Boulevards	3692 m ²		\$	3.50	\$ 12,922.00	15%	\$ -	\$ 10,983.70
Trees on 16 Single Lots	36 ea		\$	250.00	\$ 9,000.00	0%	\$ -	\$ 9,000.00
TOTAL-STAGE 1				\$	983,113.78			
Stage 2								
HL3 Topcoat Asphalt (40mm)	350 l		\$	90.64	\$ 31,724.00	0%	\$ -	\$ 31,724.00
Concrete Sidewalk	750 m ²		\$	70.07	\$ 52,552.50	20%	\$ -	\$ 42,042.00
TOTAL-STAGE 2				\$	84,276.50			
TOTAL-STAGE 1 & STAGE 2				\$	1,067,390.28		\$ 76,053.06	\$ 168,557.19
5% Contingency				\$	53,369.51			
7% Engineering Inspection				\$	74,717.32			
SUB-TOTAL				\$	1,195,477.11			
5% GST				\$	59,773.86			
TOTAL				\$	1,255,250.97			
3.5% Engineering Fee on SUB-TOTAL				\$	41,841.70			
Security for Completed Works (10% of Completed Works)				\$	76,053.06			
Security for Uncompleted Works (100% of Uncompleted Works)				\$	168,557.19			
Subtotal of Security for Completed and Uncompleted Works				\$	244,610.25			
5% Contingency				\$	12,230.51			
7% Engineering Inspection				\$	17,122.72			
5% GST				\$	273,963.48			
5% GST				\$	13,698.17			
SECURITY				\$	287,661.65			

APPENDIX " G "

to

REPORT COA 2021-051 December 29, 2020

FILE NO. D03-10-060

City of Kawartha Lakes
Development services – Planning Division
180 Kent Street West
Lindsay Ontario
K9V 2Y6

RECEIVED

JAN 05 2021

City of Kawartha Lakes
Development Services
Planning Division

Re: Committee of Adjustment – Application D03-10-060

Dear Committee,

Concern has been created by this application to us as well as other owners of Arbour Village.

After living in Toronto and having a cottage at the Lake we used to visit and shop in Lindsay on a weekly basis.

We have always been impressed with Lindsay and when we decided to retire Lindsay became an obvious choice.

We used to drive through Arbour Village on a regular basis and in 2018 we were lucky enough to purchase a home there.

We have always been impressed by the uniform architectural design of the development and we were glad to see the restrictive covenants to ensure the properties would be maintained to a particular standard.

We hope the design of Arbour Village and the covenants in place will be considered when approving the severance so that the unique characteristics of the neighborhood can be maintained.

Thank You for your consideration



Henry Regnitter



Stella Regnitter
31 Green Arbour Way
Lindsay K9V 0E7



RECEIVED

DEC 17 2020

City of Kawartha Lakes
Development Services
Planning Division

December 16, 2020

City of Kawartha Lakes
180 Kent Street West
Lindsay, ON

RE: Committee of Adjustment – Application D03-10-060

Attention: Mark LaHay – Acting Secretary - Treasurer

Dear Mr. LaHay:

We are writing this letter of objection to the application for consent to convey land (application D03-10-060). There are a number of obligations the City of Kawartha Lakes has to address prior to considering this application if in fact it should be considered at all.

We recently corresponded with David Harding and Sharri Dyer regarding this application. Please see attached email correspondence for reference.

As a background, Wilson Developments (Lindsay) Inc. entered into a subdivision agreement with CKL in 2009 (Draft Plan 16T-06501, Registered Plan 57M788). The registered plan included a 0.3m reserve (Block 20 Plan 57M-788) along the property that is subject to this application. Pursuant to s.36 of the registered subdivision agreement between the City of Kawartha Lakes and Wilson Developments (Lindsay) Inc., ***the City agrees that in the event an abutting owner seeks consent to create a new lot fronting on Green Arbour Way that “it will use its best efforts to ensure that the Committee of Adjustment, or other body with the authority to grant such consent to create a new lot within the City of Kawartha Lakes, shall require the applicant to make such application to pay the Owner an amount that is proportionate, based on the frontage of the lot”.***

Email correspondence from Mr. Harding indicates that council passed by-law 2010-169 on September 21, 2010 to convey the part of block 20 immediately abutting the subject property to the owners of 102 Angeline Street South. We do not believe this to be accurate. In 2010, the applicant requested that CKL convey the reserve to 102 Angeline St. South. Despite this reserve being an integral part of CKL being able to meet their obligations under s.36 of subdivision agreement, we were never notified of this request and discovered the applicant's request in the local newspaper. When we inquired with realty services, engineering, and planning, they all seemed equally in the dark about the applicant's request. After making last minute efforts to attend the council meeting to object to the applicant's request, it became clear from the enthusiastic questioning of a few councillors of the day that this request was concocted by a few without regard for proper process or the City's contractual obligations under the subdivision agreement. Even more frustrating and puzzling was that a select few staff and politicians were doing figurative backflips to pave the way for a severance application contrary to their Official Plan that does not permit for a severance on what was at the time an unassumed road.

Now, ten years later during a pandemic where public process has been increasingly difficult, a posting is placed on the property. Again, we have received no request from City staff as to costs associated with the development of the subdivision in order to meet their obligations under s.36 of the registered subdivision agreement. We have reached out to Mr Harding and copied engineering staff and have received no response regarding costs.

With regards to disposal of surplus properties, we reached out to Ms. Dyer to get an update on the status of Block 20 57M-788. We have not received any further updates on the status of the property and we are unaware that other adjacent property owners to the reserve have been given the opportunity to acquire the property in accordance with City policies related to disposal of surplus lands.

Along with ensuring CKL meets their obligation under s.36 of the agreement and that the reserve should be disposed of in accordance with CKL policies. There are concerns with the change in grade between the street and the lot. There is an approximately 1.2+/- m elevation change between the edge of road and the property line. A safe entrance to the proposed lot continues to be a concern.

Lastly, Arbour Village has been developed as an architecturally controlled community. This was a unique feature that attracted the purchasers in the subdivision. This application or any future application that may allow for future development, should only be considered if they meet the condition that the development conforms to the design of the existing homes.

In summary, s.36 of the subdivision agreement has yet to be addressed, the 0.3 m reserve needs to be disposed of in accordance with CKL policy, the potential entrance continues to be a concern to WDLI and neighbouring residents, finally any future development should respect the existing architectural theme of the subdivision. Without these items being addressed appropriately, any decision in favour of the application will almost certainly be appealed. If CKL continues to disregard s.36 of the subdivision agreement, and does not exercise their ability to create a condition of severance that compensates Wilson Developments for their costs, WDLI may be put in a position where there is no other option than to seek damages from CKL for said costs.

We look forward to your reply.

Sincerely,

A handwritten signature in blue ink that reads "Mark Wilson". The signature is fluid and cursive, with the first name "Mark" and last name "Wilson" clearly distinguishable.

Mark Wilson, P.Eng.

Wilson Developments (Lindsay) Inc.

Cc: Chris Marshall – Director of Planning
Mark LeHay – Acting Secretary-Treasurer
Kent Stainton
David Harding – Planner II

Juan Rojas – Director of Engineering
Christina Sisson – Supervisor, Development Engineering
Ron Taylor - CAO
Pat O'Reilly – Councillor Ward 7



Mark Wilson <mark.w@mvwconstruction.com>

Application D03-10-060

1 message

Mark Wilson <mark.w@mvwconstruction.com>

Thu, Nov 19, 2020 at 9:09 AM

To: Richard Holy <rholy@kawarthalakes.ca>, Ian Walker <iwalker@kawarthalakes.ca>, Sherry Rea <srea@kawarthalakes.ca>

Cc: Christina Sisson <csisson@kawarthalakes.ca>, Roberta Perdue <rperdue@kawarthalakes.ca>

Good morning all,

I am inquiring about the above posting on Green Arbour Way. As the shareholder of Wilson Developments (Lindsay) Inc. that owns the property across the road, I can confirm that we have not been circulated on this application. As the developer of this property I know a number of homeowners in this subdivision including my parents who own the property adjacent to this lot, I am not aware that anyone has received notification on this severance application.

I am assuming notice will be received shortly, in the meantime, we have a number of questions that need to be addressed. They are as follows:

1. Reserve Strip along Green Arbour Way – (Block 20 Plan 57M-788) who currently owns this 0.3m reserve? My parent's Don and Jean Wilson's property abuts block 20, this block also extends along the neighbouring property. It is my understanding that city policy is that owner's abutting lands to be disposed of are offered the opportunity to purchase. This should include my parents. (unless CKL intends to make it part of the travelled highway)
2. Pursuant to s.36 of the registered subdivision agreement between the City of Kawartha Lakes and Wilson Developments (Lindsay) Inc. (Draft Plan 16T-06501, Registered Plan 57M788), the City agrees that in the event an abutting owner seeks consent to create a new lot fronting on Green Arbour Way that ***"it will use its best efforts to ensure that the Committee of Adjustment, or other body with the authority to grant such consent to create a new lot within the City of Kawartha Lakes, shall require the applicant making such application to pay the Owner an amount that is proportionate, based on the frontage of the lot"*** We would be pleased to review the proportionate based expenses including those outlined in Schedule D of the Subdivision agreement as well as all other expenses related to the development of the subdivision – please advise as to whom such amount should be submitted for the consideration of City staff and the Committee's membership.
3. As previously noted, I am not aware that anyone in the subdivision has been circulated with the details regarding any severance application. A drive through the development would confirm that a great deal of care has been taken to create an architecturally controlled streetscape. Presumably, there would be a requirement to maintain this streetscape as a condition of severance. I believe this would be in the best interest of the neighbours and follow good planning principles.
4. Zoning - if a new lot was created, what would be the zoning of this lot?
5. On a more technical note there is a grade change between Green Arbour Way and the subject property of approximately 1.2m +/- immediately adjacent to the road allowance. The grading of this lot will be challenging and would require special considerations to create a safe entrance from Green Arbour Way as changes in grade to this extent would likely require the introduction of retaining walls which could create a blind spot dangerous to users of the roadway.

We look forward to a response to the above noted comments.

Best regards,

Mark Wilson

Mark V Wilson, P.Eng, President





Mark Wilson <mark.w@mvwconstruction.com>

D03-10-060 - 102 Angeline St S, former Town of Lindsay

2 messages

David Harding <dharding@kawarthalakes.ca>

Thu, Nov 19, 2020 at 9:59 AM

To: Mark Wilson <mark.w@mvwconstruction.com>

Cc: Richard Holy <rholy@kawarthalakes.ca>, Christina Sisson <csisson@kawarthalakes.ca>, Roberta Perdue <rperdue@kawarthalakes.ca>

Hello Mark,

This application has been re-activated and will be advertised in December. The application has yet to be analysed, but I will respond to the 5 questions you have posed with 5 responses based on my understanding of the application:

1. Council passed by-law 2010-169 on September 21, 2010 to convey the part of block 20 immediately abutting the subject property to the owners of 102 Angeline St S so that the proposed severed lot will have frontage on Green Harbour Way. Realty Services is in the process of facilitating the transfer. Please contact Sharri for further information.
2. Thank you for bringing this to my attention. I have no response for this item at this time.
3. To my knowledge, the City does not have the ability to control the facades of single detached dwellings.
4. The property is currently zoned R2. No zone change is proposed at this time.
5. This item is typically addresses as a condition of provisional consent: Roads must be satisfied that a driveway entrance may be placed in accordance with applicable by-laws.

Regards,

David Harding RPP, MCIP
Planner II
Development Services - Planning Division
City of Kawartha Lakes
180 Kent Street West, Lindsay, ON K9V 2Y6
Phone 705-324-9411 extension 1206 | Toll Free 1-888-822-2225
Fax 705-324-4027

Due to COVID-19, most City Municipal buildings are closed to the public and some service levels have been affected. For COVID-19 information including service levels and how to access services, please call 705-324-9411 extension 4000 or visit www.kawarthalakes.ca/covid19<<http://www.kawarthalakes.ca/covid19>>

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Mark Wilson <mark.w@mvwconstruction.com>
Draft To: David Harding <dharding@kawarthalakes.ca>

Thu, Nov 19, 2020 at 11:08 AM

12/14/2020

MVW Construction & Engineering Inc. Mail - D03-10-060 - 102 Angeline St S, former Town of Lindsay

Mark V Wilson, P.Eng., President



MVW Construction & Engineering Inc.

245 Kent Street West, Lindsay ON, K9V 2Z3

Phone: (705) 324-7281 ex.202

Fax: (705) 328-1268

Email: mark.w@mvwconstruction.com

[Quoted text hidden]



Mark Wilson <mark.w@mvwconstruction.com>

RE: D03-10-060 - 102 Angeline St S, former Town of Lindsay

1 message

Sharri Dyer <sdyer@kawarthalakes.ca>

Thu, Nov 19, 2020 at 1:27 PM

To: Mark Wilson <mark.w@mvwconstruction.com>

Cc: Heather Richardson <heather.richardson@staplesswain.com>, "mccraejg@amtelecom.net" <mccraejg@amtelecom.net>, Christina Sisson <csisson@kawarthalakes.ca>, Roberta Perdue <rperdue@kawarthalakes.ca>, David Harding <dharding@kawarthalakes.ca>, Richard Holy <rholy@kawarthalakes.ca>, Laura Carnochan <lcarnochan@kawarthalakes.ca>

Thank you for your emails. We will review them and respond.

Sharri Dyer

Manager - Realty Services

Legal Division, City of Kawartha Lakes

Tel: 705-324-9411 Ext. 1279

Fax: 705-324-7058

www.kawarthalakes.ca<<http://www.kawarthalakes.ca>>

From: Mark Wilson <mark.w@mvwconstruction.com>

Sent: Thursday, November 19, 2020 1:17 PM

To: Sharri Dyer <sdyer@kawarthalakes.ca>

Cc: Heather Richardson <heather.richardson@staplesswain.com>; mccraejg@amtelecom.net; Christina Sisson <csisson@kawarthalakes.ca>; Roberta Perdue <rperdue@kawarthalakes.ca>; David Harding <dharding@kawarthalakes.ca>; Richard Holy <rholy@kawarthalakes.ca>

Subject: D03-10-060 - 102 Angeline St S, former Town of Lindsay

Good afternoon Sharri,

It has come to my attention that there is an upcoming application for a severance for the above mentioned property. We (Wilson Developments) were the developer of the Arbour Village Subdivision. David Harding from the planning division has indicated that (Block 20 Plan 57M-788) is in the process of being transferred to owners of 102 Angeline St. South and that council authorized this September 10, 2010. I believe I was in attendance at this council meeting and it is my recollection the property was deemed surplus, it was not my understanding that anything was authorized to convey this reserve directly to the owners of 102 Angeline St. S. Please be advised that 102 Angeline St is not the only abutting property owner and we do not believe this block should be conveyed to owners of 102 Angeline Street.

Furthermore, Wilson Developments entered into a Subdivision Agreement with CKL for the development. Pursuant to s.36 of the registered subdivision agreement between the City of Kawartha Lakes and Wilson Developments (Lindsay) Inc.....

the City agrees that in the event an abutting owner seeks consent to create a new lot fronting on Green Arbour Way that "it will use its best efforts to ensure that the Committee of Adjustment, or other body with the authority to grant such consent to create a new lot within the City of Kawartha Lakes, shall require the applicant making such application to pay the Owner an amount that is proportionate, based on the frontage of the lot"

In our opinion, conveyance of this lot to 102 Angeline would undermine this process and make it difficult if not impossible for CKL to use any best efforts to collect compensation for Wilson Developments (Lindsay) Inc.

Beyond the issue of the appropriate process of transferring the land, there are a number of planning and engineering issues that we continue to communicate through CKL Planning Department. Currently the application has not been circulated to neighbours in Arbour Village, once circulated, we expect there will be a number of comments and concerns from them regarding this severance as well.

We look forward to your update on the status of Block 20 Plan 57M-788.

Best regards,

12/14/2020

MVW Construction & Engineering Inc. Mail - RE: D03-10-060 - 102 Angeline St S, former Town of Lindsay

Mark Wilson

[<https://docs.google.com/drawings/d/1muTe9ovsVHblmGBV6D0efoznorfO0YeKlBebeSjxubE/pub?w=391&h=100>]
<<http://mvwconstruction.com>>

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Development Services - Planning Division
180 Kent St. W.
Lindsay, ON K9V 2Y6
Tel: 705- 324-9411 Extension 1324
Fax: 705-324-4027
E-mail: mlahay@kawarthalakes.ca
Website: www.kawarthalakes.ca

December 10, 2020

**Subject: Consent Application – File No. D03-10-060
102 Angeline Street South
Part of Park Lot S, Plan 8P
Former Town of Lindsay, Ward 7**

This notice is being sent to you because our records indicate that you are assessed as owning land within 60 metres of the subject land.

This application has been received for consideration by the City of Kawartha Lakes.

The purpose of the application is to sever an approximately 575.3 square metre (6,192.5 square foot) residential lot and retain an approximately 1,025.2 square metre (11,035.2 square foot) residential lot containing a dwelling addressed as 102 Angeline Street South.

A copy of a sketch of the property is attached.

Any comments or concerns that you have with regards to this application should be submitted to our office by the date indicated below.

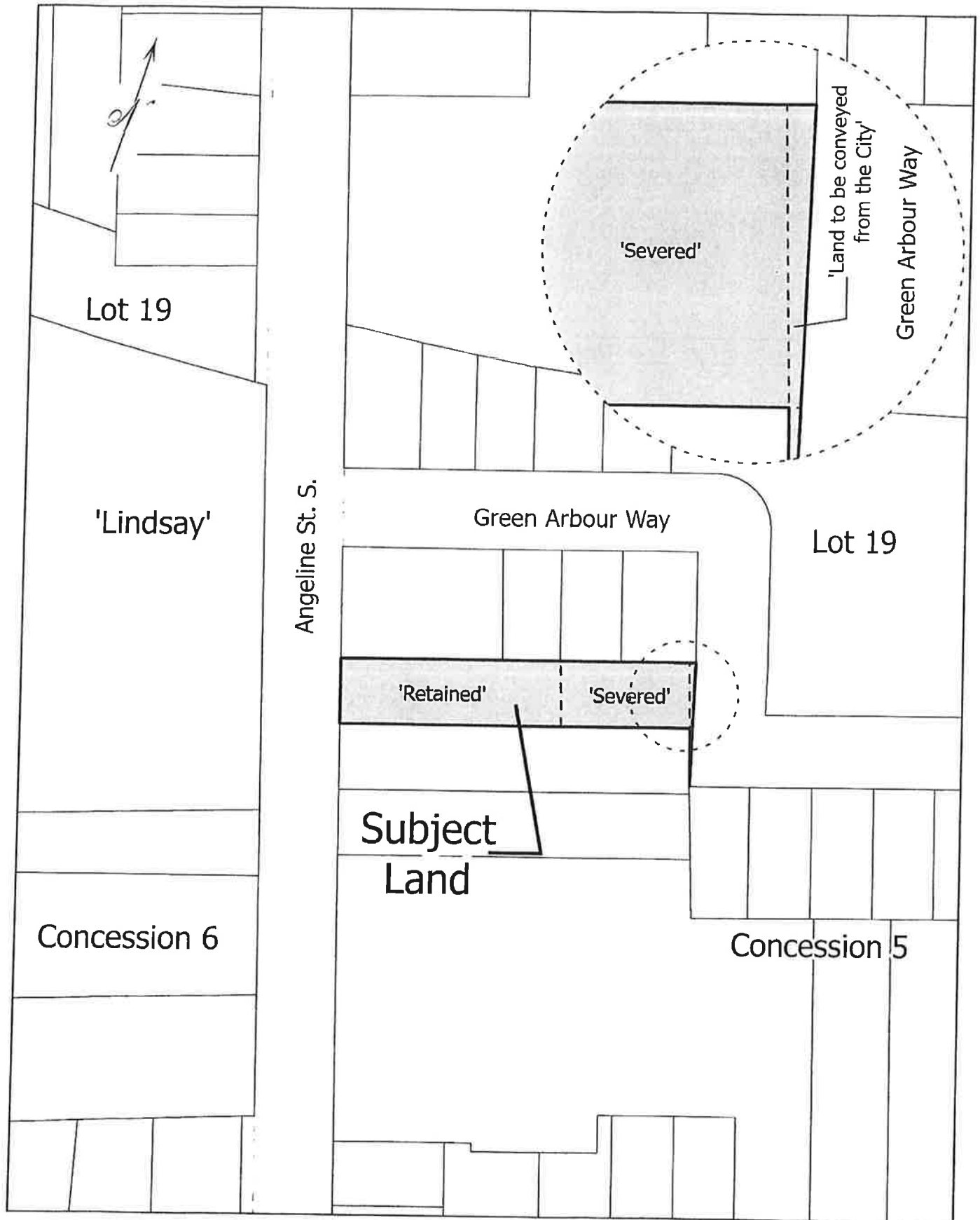
If you wish to be notified of the recommendation and/or the decision of the City of Kawartha Lakes in respect of the proposed consent, you must make a written request to the address above or send an email to planningadmin@kawarthalakes.ca no later than **January 11, 2021**.

If a person or public body who files an appeal of the decision in respect of the proposed consent does not make written submissions to the Secretary-Treasurer, Committee of Adjustment, City of Kawartha Lakes before it gives or refuses to give a provisional consent, the Local Planning Appeal Tribunal may dismiss the appeal.

Any enquiries regarding this file should be directed to Kent Stainton by calling 705-324-9411 extension 1367.

Due to the pandemic, all City municipal buildings are closed to the public and some service levels have been affected. All information filed in respect of the Application for Consent is open for public inspection. To request a digital or hard copy of the application, call 705-324-9411 extension 1231 during normal office hours from 8:30 am to 4:30 pm Monday to Friday or email planningadmin@kawarthalakes.ca.

D03-10-060



Dec. 16, 2020

RECEIVED

DEC 17 2020

City of Kawartha
Development
Planning

City of Kawartha Lakes
180 Kent Street West
Lindsay, ON

RE: Committee of Adjustment – Application D03-10-060

Dear Mr. LaHay:

We are aware that there is an application to create a lot severance from 102 Angeline St S fronting on Green Arbour Way. This property is adjacent to our rear yard at 11 Green Arbour Way.



We are not supportive of an additional lot being created outside of Arbour Village subdivision. There is a reserve fronting Green Arbour Way that abuts our property. We think it would be in the best interest of the neighbourhood that as abutting landowners we be offered the opportunity to acquire this reserve. This would allow us to maintain this property as a green space.

Introducing an additional building lot into the subdivision and disrupting the established community does not in my opinion make sense. In addition to changing the established streetscape, the lot grade does not practically allow for an entrance. The lot is approximately 3 feet higher than the existing road grade making an entrance difficult to achieve.

We also do not support having a home which will be 4' from our rear lot line as it will greatly infringe on our privacy.

We look forward to being contacted regarding our concerns.

Yours truly,



Don and Jean Wilson

City Of Kawartha Lakes

December 22, 2020

Development Services—Planning Division
180 Kent Street W.
Lindsay ON
K9V 2Y6

RECEIVED
DEC 22 2020
City of Kawartha Lakes
Development Services
Planning Division

To: Secretary -Treasurer committee of Adjustment

Notes of Community Response..... RE: File No. D03-10-060

Included is a letter endorsed by the community who live on Green Harbour Way in Lindsay. The accompanying signatures indicate our concerns about the referenced land severance proposal to be discussed at a future meeting of the Land Division Consent Committee.

We look forward to receiving notification of your meeting to address these concerns prior to the committee meeting.

As a representative of the community I may be reached at

mccraejg@amtelecom.net

If you require further information, please advise,



Sharon McCrae

Dec 18 2020

City of Kawartha Lake
180 Kent Street West
Lindsay Ont.

RECEIVED

DEC 22 2020

City of Kawartha Lake
Development Services
Planning Division

Dave and Judy Warren
9 Green Arbour Way
Lindsay On.
K9V 0E7

Re Committee of Adjustment- Application D03-10-060

Dear Committee:

The application to sever a lot from 102 Angeline St. South fronting on Green Arbour Way is concerning to us as adjacent property owners. A new residence on that property will overlook our home & back yard and that of our neighbors, the Wilsons at 11 Green Arbour Way.

We believe that if this property had been part of the original development, any home erected on it would have been limited to a single story home to best suite the neighbor hood. And we believe if the lot is to be developed now 10 years later, any house erected on it should also be limited to a single story dwelling.

Sincerely

Judith P. Warren

Dave and Judy Warren

Dave and Judy Warren

Dec. 16, 2020

RECEIVED

DEC 22 2020

City of Kawartha Lakes
180 Kent Street West
Lindsay, ON

City of Kawartha Lakes
Development Services
Planning Division

RE: Committee of Adjustment – Application D03-10-060

Dear Committee:

The application to sever a lot from 102 Angeline St. South fronting on Green Arbour Way is of great concern to the adjoining lot owners as well as the Arbour Village community as a whole.

The theme of the development was planned with a uniform architectural design including brick selection, roofing, and other exterior materials. In fact, the agreement of purchase and sale that we signed included restrictive covenants (see attached Schedule 9) that controlled the streetscape and ensured properties would be maintained to a particular standard. To approve a severance that does not adhere to the same restrictions, in our opinion, does not make sense and is detrimental to the neighbourhood.

The survey sketches as part of the circulation dated December 10, 2020 includes a "Severed B" portion under consideration to be acquired by the applicant from the City of Kawartha Lakes. Our understanding was that this block was to protect the owners in the Arbour Village subdivision from development that may compromise the subdivision. Since the City of Kawartha Lakes has acquired this parcel through the subdivision agreement and it is now in the City's control rather than the original developer, we expect that the City would ensure that the original expectations of the entire community would be upheld and that any new rules for development would not be allowed.

Sincerely,



Arbour Village Residents (see next page)

Dec. 16, 2020

RECEIVED

DEC 22 2020

City of Kawartha Lakes
Development Services
Planning Division

City of Kawartha Lakes
180 Kent Street West
Lindsay, ON

RE: Committee of Adjustment – Application D03-10-060

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Sincerely,

Arbour Village Residents (see next page)

[illegible]

NAME:

SIGNATURE:

DATE:

STREET #

(dd/mm/yyyy)

{& unit #}

[illegible]

SCHEDULE 9

RESTRICTIVE COVENANTS

References herein to:

- "Municipality" shall mean the Corporation of the City of Kawartha Lakes;
- "Owner" shall mean the registered owner of any part of the Lands and shall, at the option of the Developer include any and / or all occupants of any part of the Lands but shall not include Wilson Developments (Lindsay) Inc.
- "Developer" shall mean Wilson Developments (Lindsay) Inc.
- "Subdivision Agreement(s)" shall mean any and all agreements between the Municipality and the Developer.
- "Passenger Automobile" shall mean all automobiles, mini-vans, sport utility vehicles and pick-up trucks used for personal transportation.
- "Home" shall mean a residential structure situate on part of the Lands owned by the Owner and shall include all other structures and buildings on that part of the Lands.
- "Lands" shall mean all lands in the Green Harbour Way Subdivision, registered as 57M-_____.

Each Owner of any part of the Lands subsequent to the Developer covenants and agrees (on behalf of itself, him or herself, his or her heirs, and his, her or its administrators, successors and assigns) with the Developer and for the benefit of the Developer and all other owners of the Lands that such Owner:

1. Shall not contravene or cause to be contravened by any act or omission, any agreement with, requirement and/or restriction of, or regulation of the Municipality or any other authority having jurisdiction therefore pertaining to the development, servicing, grading and drainage, design construction, landscaping, access, use and occupancy of any part of any part of the Lands and appurtenances, whether now in effect or hereafter imposed.
2. Shall not, without the prior written approval of the Developer, remove any soil, sand gravel, fill or other such material from any part of the Lands or placed/stockpiled thereon or elsewhere. No material shall be dumped on or stored in any location within or adjacent to the Lands except as approved by the Developer. Any default with respect to the provisions of this paragraph may be investigated and remedied at the expense of the owner of that part of the Lands from which such soil, sand, gravel, fill, other such material, earth, dirt or debris originated by the authorized party who shall have a right of entry to any part of the Lands, therefore.
3. Shall not, without the prior written permission from the Municipality, deviate from approved grades, elevation or levels for any part of the Lands.
4. Shall not alter the exterior colour of the Home without the prior written consent of the Developer.
5. Shall not construct fencing or screening, or cause fencing or screening of any kind to be constructed on the Lands without the prior written consent of the Developer. No fencing, other than required by the Subdivision Agreement(s), shall be

constructed on the Lands. The Owner shall not remove or cause the removal of any fencing installed by the Developer or builder on the Lands.

6. Shall not construct a shed of any kind on the Lands or cause any shed of any kind to be constructed, erected or placed on the Lands. No garage or car port shall be constructed upon the Lands unless (i) same is constructed by or on behalf of the Developer or the Developer's contractors or trades or (ii) the Developer provides written consent to said construction, which consent may be unreasonably withheld, it being understood that the Vendor does not intend for this restriction to expire at any point in time.
7. Shall not permit any structures on the Lands other than structures conforming to the Ontario Building Code and existing municipal bylaws.
8. Shall not do or omit to do anything on the Lands or elsewhere which will interfere with or cause damage to any service installed or to be installed in the Lands or elsewhere, including, but not limited to driveway aprons (if any), ditches, curbs, drains, sidewalks, stakes/bars, water boxes, hydro vaults, and any other water, sewer, gas, hydro, phone and TV cable works. Any such damage may be corrected by the authorized party who shall have a right of entry to any part of the Lands therefore. The cost of correcting any such damage shall be paid for by the Owner of the part of the Lands upon which such damage has occurred.
9. Shall forthwith upon request and without charge grant any easement or right required by any servicing authority for the installation/maintenance of any service, provided that such does not prevent the erection of a dwelling on such owner's portion of the Lands in compliance with the applicable zoning and building requirements.
10. Shall not place, erect, or cause to be place or erected, a signal transmission or signal reception device, a roof antenna, an exterior tower antenna for either radio, television, or internet reception or transmission save and except a satellite dish (not exceeding 30 inches in diameter).
11. Shall not allow an article, chattel or other item, including snowmobile, camper, or trailer, or vehicle of any kind to be continually parked or stored on any part of the Lands other than as set out herein unless same is permanently stored within a garage suitable for vehicle storage on which the doors of same are kept closed other than as needed for ingress and egress. The foregoing does not prevent parking of currently licensed Passenger Automobile(s) in road worthy condition with such insurance as is required to permit use on the highways of Ontario provided same is routinely (i.e. at least once a week) driven off the Lands. No commercial vehicles, trucks or tractor trailer cabs are permitted anywhere on the Lands except as is strictly required to permit the delivery or pickup of articles or chattels that are being delivered to or from a home on the Lands.
12. Shall not permit permanent decorative chattels or articles of any kind, including garden gnomes, to be displayed on the Lands.
13. Shall ensure that all lawns and gardens on the Lands are well maintained at all times.
14. Shall ensure all sidewalks, on which Lands owned by the Owner front, are kept free of snow and ice.

to

Proposed Conditions – Application D03-10-060

REPORT COA2021-051FILE NO: D03-10-060

1. This approval applies to the transaction applied for.
2. A road widening of 3.0 metres be conveyed to the City of Kawartha Lakes across the entire frontage of the lot to be retained, free and clear of all encumbrances. The legal description shall include the words "RESERVING UNTO the Transferor(s) a right-of-way for ingress and egress until such time as the land is dedicated as public highway."
3. The Owner shall pay to Wilson Developments (Lindsay) Inc. the sum of \$32,699, representing the proportionate share of the infrastructure costs for the subdivision as per Condition 36 of the Green Harbour Way Subdivision Agreement, registered as Instrument KL 29852.
4. That prior to obtaining title to part of Block 20, the Owner shall submit written confirmation to the Secretary-Treasurer and Realty Services from Wilson Developments (Lindsay) Inc. that it has been paid the sum specified in Condition 3.
5. Payment to the City of Kawartha Lakes of a tree levy of \$500.00 for the residential lot.
6. The Owner submit to the Secretary-Treasurer written confirmation from the Roads Operations Division that an entrance permit would be available for the lot to be severed.
7. Submit to the Secretary-Treasurer a copy of the Abandoned Well Certificate from a licensed well contractor, or other appropriately qualified person, which confirms that the existing well on the retained lot has been abandoned in accordance with Ontario Regulation 903.
8. Submit to the Secretary-Treasurer one copy of the preliminary reference plan of survey of the lot to be severed, inclusive of the consolidated part of Block 20, for review and endorsement and the subsequent registered reference plan of survey.
9. Submit to the Secretary-Treasurer payment of all past due taxes and charges added to the tax roll, if any, at such time as the deeds are stamped.
10. Payment to the City of Kawartha Lakes of the stamping fee prevailing at the time the deeds are stamped, for the review and clearance of these conditions. The current fee is \$458.00. Payment shall be by certified cheque, money order, or from a lawyers trust account.
11. Payment of the cash-in-lieu of the dedication of parkland, equal to 5% of the appraised value of the land to be severed, as determined by an experienced and qualified land appraiser (CRA or AACI) as of the day before the day the provisional consent was given. The appraisal report shall accompany the cash-in-lieu payment. The City is not required to accept the appraisal report and reserves the right to peer-review the appraisal report and negotiate the cash-in-lieu payment. Payment shall be made by certified cheque, money order, or from a lawyers trust account.

12. Submit to the Secretary-Treasurer a deed in triplicate for endorsement with the certificate of consent which deed shall contain a registerable description of the parcel of land described in the decision.
13. The Owner shall pay all costs associated with the registration of the required documents.
14. The Owner's solicitor shall provide a written undertaking to the Secretary-Treasurer confirming, pursuant to Subsection 53(43) of the Planning Act, that the deed in respect of this transaction shall be registered in the proper land registry office within six months from the date that the Secretary-Treasurer's certificate is stamped on the deed, failing which the consent shall lapse.
15. The Owner's solicitor shall also undertake to provide a copy of the registered Transfer to the Secretary-Treasurer as conclusive evidence of the fulfillment of the above-noted undertaking.
16. All of these conditions shall be fulfilled within a period of one year after the giving of the Notice of Decision, failing which, pursuant to Subsection 53(41) of the Planning Act, this consent shall be deemed to be refused.