



Committee of the Whole Report

Report Number: RS2021-027

Meeting Date: September 7, 2021

Title: Request for Direction for a Dock within Road Allowance Leading to Water Adjacent to 2 Treewood Lane, Kirkfield

Description: The dock would be in favour of the backlot owner 3 Treewood Lane, Kirkfield

Author and Title: Christine Oliver, Law Clerk

Recommendation(s):

That Report RS2021-027, **Request For Direction For A Dock Within Road Allowance Leading To Water Adjacent To 2 Treewood Lane, Kirkfield**, be received;

That Council deny the request to allow a private dock within the road allowance leading to water; and

That this recommendation be brought forward to Council for consideration at the next Regular Council Meeting.

Department Head: _____

Financial/Legal/HR/Other: _____

Chief Administrative Officer: _____

Background:

Municipal Law Enforcement received a complaint regarding an encroaching dock within a road allowance leading to water. The complaint submitted was related to the location of the boatlift and the limitation of space for the complainant to use their boat safely around the boatlift. The location of the City owned road allowance leading to water is between the municipal addresses 2 Treewood Lane, Kirkfield and 74 Homewood Park Road, Kirkfield (the "Road Allowance"). Municipal Law Enforcement completed a site visit and viewed an encroaching dock within the Road Allowance (the "Encroachment"). During Municipal Law Enforcement's investigation of the complaint they took photos of the Encroachment. Realty Services received a request from Municipal Law Enforcement to send a letter to the back lot owners in the immediate area to attempt to locate the owner of the Encroachment within the Road Allowance. Realty Services received an application from 3 Treewood Lane, Kirkfield for a request to allow the Encroachment to remain within the Road Allowance.

Land Management Team (previously the Land Management Committee) (the "Team") decided requesting direction from Council would be the most appropriate way to deal with this application. The Team would prefer to deny the application.

A location map is attached as Appendix A, a map identifying the Encroachment with the property associated with the Encroachment attached as Appendix B, an aerial map identifying the Encroachment with the property associated with the Encroachment is attached as Appendix C and photos of the Encroachment is attached as Appendix D.

Rationale:

In the immediate area the City allowed for a privately owned dock to encroach within the road allowance leading to water as a public dock for everyone to enjoy. This option was an attempt to compromise with the back lot owners. This allowed all of the back lot owners to be able to have access to a dock while preventing overcrowding in the area and providing adequate space to access the water. The issue with allowing the Encroachment within the Road Allowance is that there is insufficient space for all backlot owners to be able to have a personal dock. In the interest of fairness to all residents in the area, the City would prefer to deny requests for private docks within any road allowance leading to water. The Team would prefer to redirect the applicant to the privately owned public docks in the immediate area to fulfill their day docking

usage. To provide consistency with the draft policy pending your direction, the Team would support the decision to deny this request.

Other Alternatives Considered:

Council may decide to allow the Encroachment to remain as a private dock and request Realty Services to proceed with a private dock license agreement. Council may decide to proceed with a similar agreement to the neighbouring road allowance leading to water being a private dock agreement, private insurance for public use within the road allowance leading to water. These options are not supported by the Team.

Alignment to Strategic Priorities

The strategic priority within the 2020-2023 Kawartha Lakes Strategic Plan align with are A Healthy Environment and Good Government. A Healthy Environment is aligned with this report, more specifically to protect and preserve natural areas. Good Government is aligned with this report to increase effectiveness of service delivery.

Financial/Operation Impacts:

The City would not have financial impacts if the City decides to deal with this issue immediately with providing a license agreement for the dock. The immediate risk to the Encroachment being present in the current state is that it may be considered the City's liability, in the event of an accident. If the City proceeds with denying the application, the City may need to budget for the removal of the dock.

Consultations:

The Land Management Team (formerly the Land Management Committee)

Attachments:

Appendix A – Location Map



Appendix A
Location Map.pdf

Appendix B – Map



Appendix B
Map.pdf

Appendix C – Aerial



Appendix C
Aerial.pdf

Appendix D - Photos



Appendix D Photo
of Dock.pdf

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Department Head: Robyn Carlson