

Cedar Glen Road Dock Encroachment Policy/By-Laws Council Agenda Item on November 16th, 2021.

As discussed and agreed to as a result of the Zoom meeting and correspondence with Sharri Dyer, Robyn Carlson, Ross Betts and Gareth Jones throughout the early fall of 2021, further internal discussions were to take place within CKL to incorporate the agreed approach below into the proposed Dock Encroachment Policy/By-Laws for presentation to Council on November 16th, 2021.

Below is a chronological order of events required along with some supporting information:

1. **Phase 1:** We, the owners of properties that front directly onto Cedar Glen Road between point A and point B (known as front-lot owners) and the owners of properties directly behind these front lots (known as true back-lot owners) propose to stabilize the shoreline and the overcrowding by removing ineligible docks and boat lifts owned by non-entitled owners. This approach includes the **elimination of any proposed acceptable distance from dock to property** for property owners who are not front-lot owners or true back-lot owners. We submit, in conjunction with key CKL staff, that this is the only fair and logical way to proceed for all concerned. See attached photos demonstrating overcrowding.
2. There are two areas with public access, one at each end of the shoreline section road allowance. These areas are 66 feet wide. These areas also provide Sturgeon Lake access to all ineligible lot owners who would otherwise have no access at all. The installation of No Parking signs on both sides of Cedar Glen Road is to take place early 2022 once approved by Council.
3. There are now 13 confirmed **ineligible dock users** from 803-873 Cedar Glen Road. These properties are indicated on Plan 389. There are **also** two other confirmed dock users, one residing on Cedar Glen Road near CKL 24 and another residing in Dunsford. (**Total of 15 docks not belonging to front or true back-lot owners**) See attached Chart indicating those with docks and demonstrating the fact that ineligible lots are on Plan 389 and are not part of the original Cedar Glen Plan, being Plan 163. Given that a boat lift is required to have a boat on the south side of Sturgeon Lake, many true back lot owners are deprived of the ability to install a boat lift due to overcrowding by ineligible lot owners. **There are currently more ineligible users of docks than there are front lot owners.**
4. **Phase 2:** Only true front and back lot owners will be permitted access and use of shoreline initially through licensing of approximately 20 property owners.
5. **Phase 3:** This reduction of docks leads to easements being granted to front and back-lot owners at their expense over next 3-4 years. Allowing only 20 front and back lot property owners ensures that each could have a dock and a boat lift, which is currently not possible.
6. We have included aerial photos of the Cedar Glen Community identifying areas for distribution to Council and staff attendees enabling a better understanding of the three different areas. (See attached aerial photos) Areas are front, back and ineligible lot owners.
7. Also attached is a lawyer's letter confirming that a search of ineligible lots has been conducted determining that **ineligible lot owners** have been granted access to Block "C" only. **It is additionally unfair that ineligible dock owners be granted a second access to the waterfront located on a completely different Plan of Subdivision than their property is located on.**



SUSSMAN LAW

JOSEPH SUSSMAN BARRISTER & SOLICITOR, NOTARY PUBLIC

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November 8, 2021

BY EMAIL

City of Kawartha Lakes

Dear Sir or Madam:

RE: Municipally Owned Allowance & Existing Docks – Cedar Glen Road, Dunsford, ON
Sturgeon Lake – Registered Plan No. 163/, Township of Verulam, City of Kawartha Lakes

I am a solicitor licenced to practice law in the Province of Ontario. I am a lawyer in good standing with the Law Society of Ontario. I practice exclusively in real estate law and have an office in the County of Peterborough.

I have been retained by Mr. Gareth Jones on behalf of the front lot owners of Cedar Glen Road Cottage Association. I have undertaken a review and title searching from the following sample properties, to determine the extent of any right-of-way to place an existing dock within the shore road allowance now owned by the City of Kawartha Lakes.

- 823 Cedar Glen Road, PIN 63141-0490 (LT) (Lot 8, Plan 389)
- 835 Cedar Glen Road, PIN 63141-0493 (LT) (Lot 10, Plan 389)
- 841 Cedar Glen Road, PIN 63141-0494 (LT) (Lot 13, Plan 389)

Based on my review of title in the above mentioned properties, I can summarize my findings below which can be generalized for the portions of Cedar Gen Road in front of Lots 1 to 12, Registered Plan No. 163 or in other words municipally known as 759-799 Cedar Glen Road:

- There are no surveys for any of the properties examined deposited on title, which would otherwise suggest the boundary line has been moved or the shore road allowance has been purchased.
- Plans 163, 203 and 389 clearly marks the 66-foot strip road allowance, which indicates it is separate from the lot line boundary from the shore road on Cedar Glen Road.
- Two of the properties had a legal right of way to use the shore road allowance found in Reference Plan 209 and 163 including Block "C." These road allowance remain open and is used for vehicular traffic as a means of ingress and egress, but otherwise there is no easements or right to place a dock, by virtue of these right of ways.
- There are no agreements or licences registered within the above-properties to note that any of these owners has a right of way to use the shoreline beyond Cedar Glen Road, in order to place a dock. There was also no notice of interest registered on the property or deeds thereof, pursuant to Section 71 of the Land Titles Act.

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As a note, shore road allowances were originally owned by the Crown before it was vested to the municipality and in this case, the City of Kawartha Lakes (the "City"). The shore road allowance is currently open for vehicular traffic and, the City has jurisdiction over the shore road under the *Municipal Act, 2001*, as amended.

In that regard, there are no riparian rights for the cottage owners whose property is between the shore road allowance and the water.

Should you have any further questions or concerns, please don't hesitate to contact the undersign.

Yours truly,

Joseph Sussman
Barrister & Solicitor, Notary Public
Encl.















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