

June 6, 2023

Mayor Elmslie
26 Francis Street
Lindsay, ON K9V 5R8

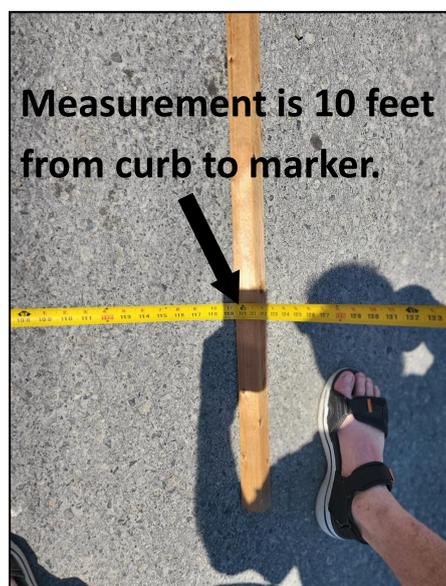
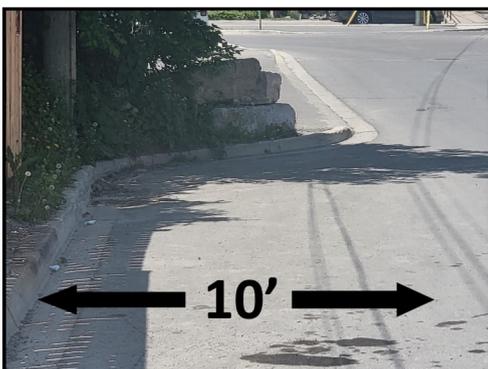
Dear Mr. Elmslie,

RE: Request for License Agreement—Fence Encroachment on City-Owned Road
Allowance adjacent to 31 Main Street

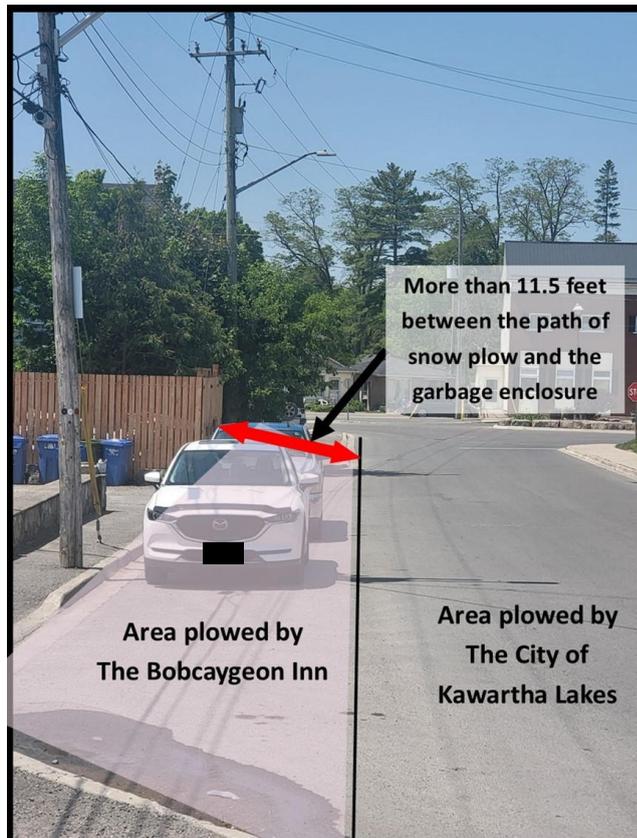
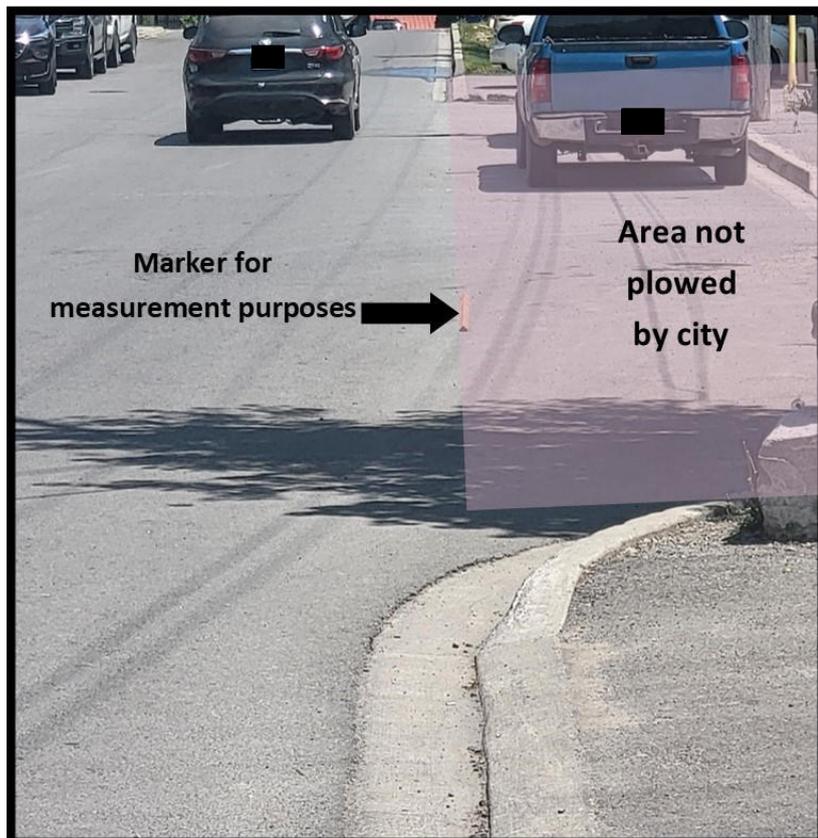
The Bobcaygeon Inn submitted a request for a License Agreement. This license agreement would allow us to maintain our enclosure around the hotel and restaurant garbage area.

While we are positive the decision was made in good faith given the existing knowledge of realty services - legal services, we are sure we can alleviate the committees' one stated concern. The one concern was that the city might damage our enclosure with a snow plow directly or accumulated snow pushed up against it. What the committee might not know is the plow never gets closer than approximately 11.5 feet from our enclosure.

This is illustrated in the pictures below (full sized pictures are included in the appendix).



Having a business where public access is critical all year round we employ a third party to plow and remove snow from in and around our property. Snow is not permitted to accumulate around our enclosure.



We cannot conceive of a way that a plow or accumulated snow could come close to our enclosure. Our plows arrive if there is an accumulation of 3 cm or higher. They plow the parking lot and the parking area on the street, This enclosure has been up for a year including one complete winter with no damage from the city.

The Bobcaygeon Inn would of course be willing to sign a waiver absolving the City of any responsibility for damage caused by snow plows or any snow pushed against our garbage enclosure.

We are hoping to enter into a License Agreement paying a yearly fee.

Before the enclosure was built we had several complaints of how the area looked as tenants from the low income building across the street routinely dumped their garbage in and around our garbage bin. Wildlife would get at it every night and spread it around the street. Having this enclosure is absolutely imperative to the success of our business.

In Summary:

- Our request for a License Agreement was rejected “due to a concern that the structure would be damaged by snow plows and by the accumulation of snow being pushed against it.”
- There is approximately 11.5’ between plow path and garbage enclosure.
- We pay a third party to plow our parking lot and in front of the garbage enclosure.
- We wish to enter into a License Agreement paying a yearly fee.
- Will sign a waiver releasing the town of responsibility for damage to the garbage enclosure.
- The enclosure is a critical part of our brand identity of cleanliness and being responsible corporate citizens.

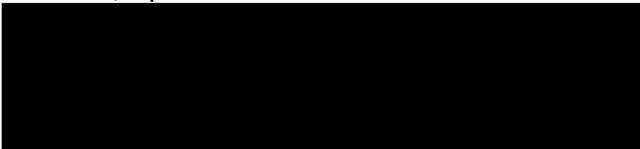
We thank you for reconsidering our position given the additional information.

Regards,

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

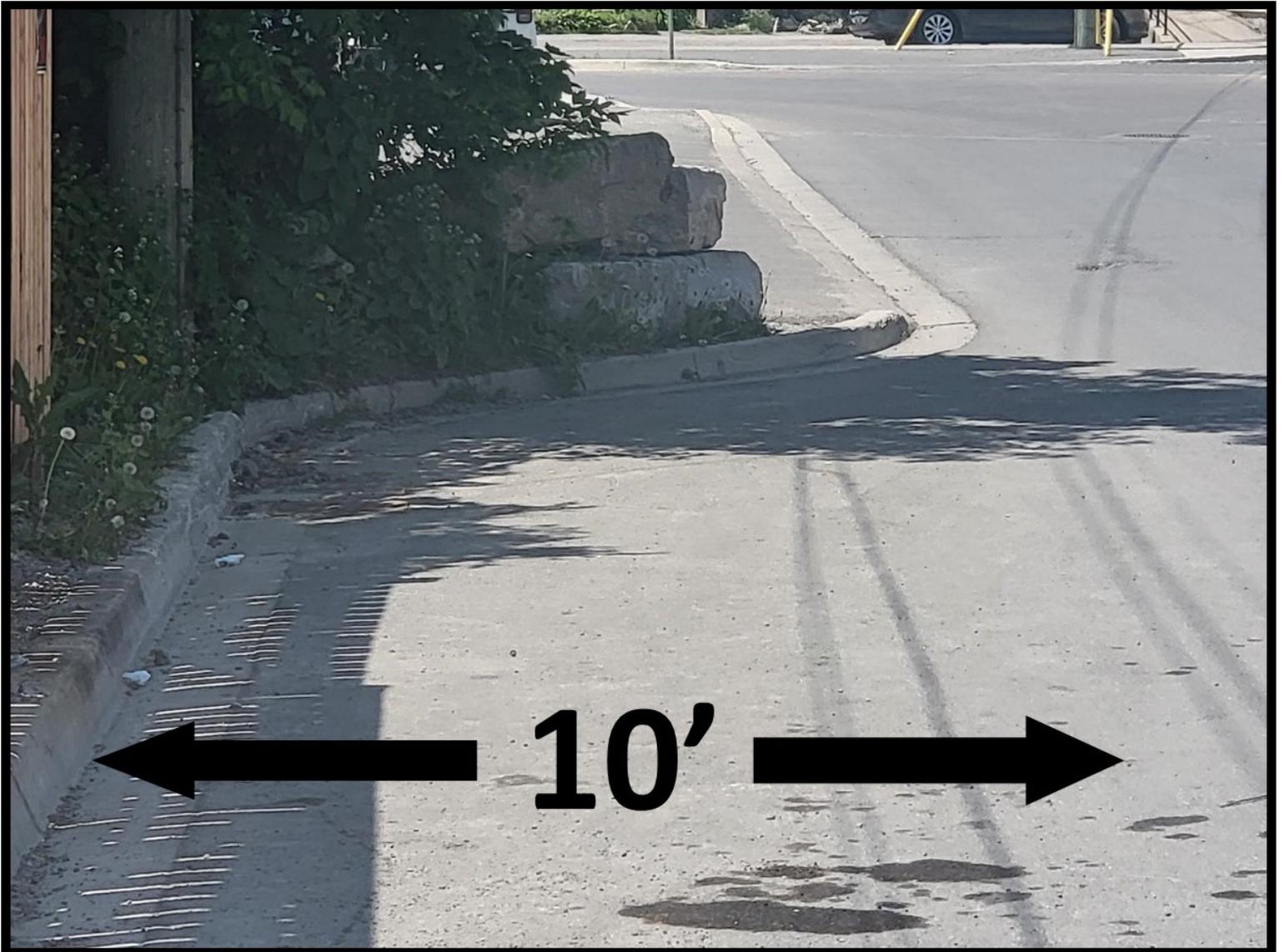
Daniel Reid

Owner/Operator



APPENDIX

i) Area in question



ii) close up of measurement



**Measurement is 10 feet
from curb to marker.**

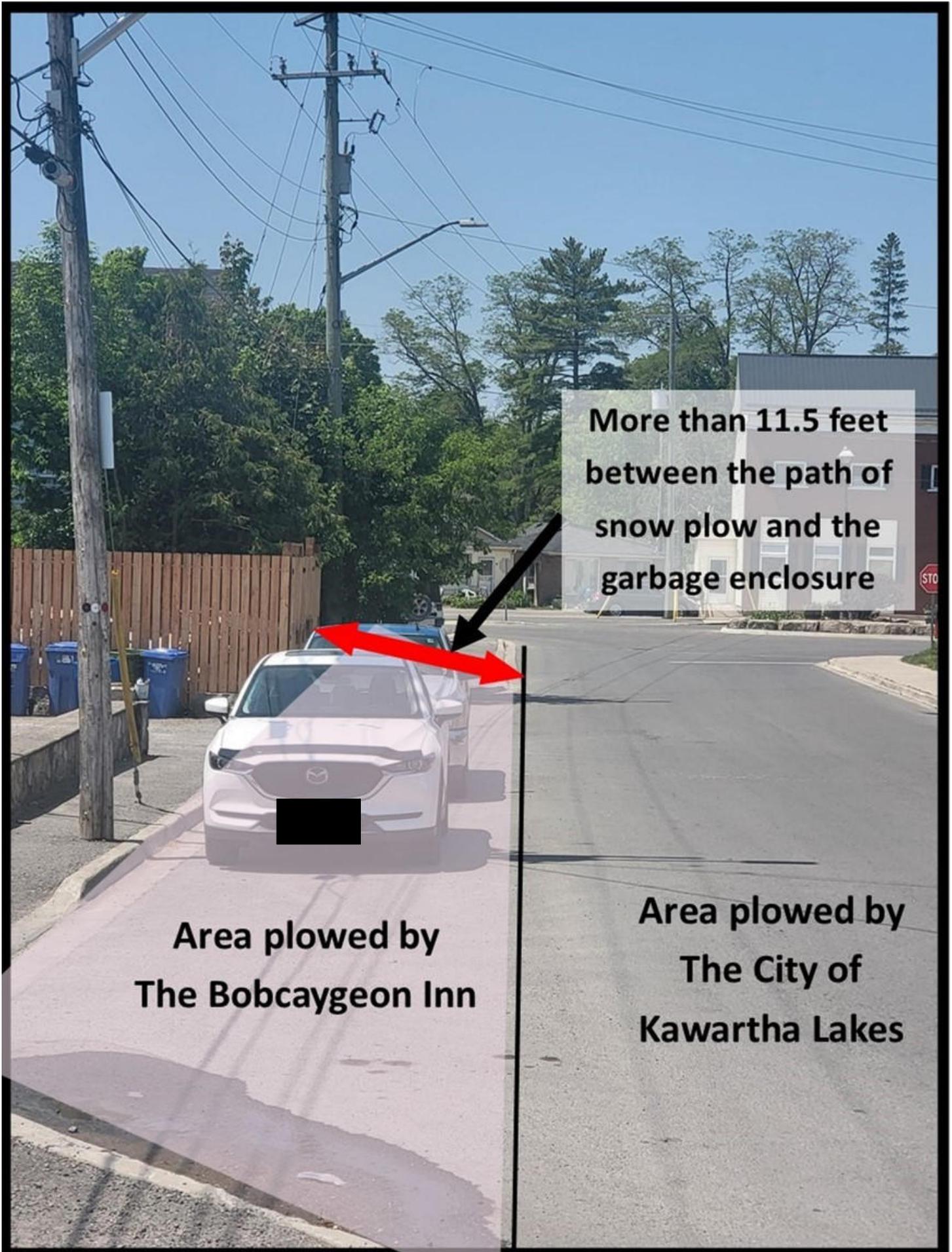
iii) close up of measurement 2



iv) shows area plowed by Bobcaygeon Inn



v) another view of area plowed by The Bobcaygeon Inn



More than 11.5 feet
between the path of
snow plow and the
garbage enclosure

Area plowed by
The Bobcaygeon Inn

Area plowed by
The City of
Kawartha Lakes

vi) Aerial view of area plowed by The Bobcaygeon Inn



vii) Letter declining our request for a licence agreement



Realty Services – Legal Services
26 Francis Street, P.O. Box 9000
Lindsay, Ontario K9V 5R8
Phone: 705-324-9411 ext. 2116
Fax: 705-324-7058
lalmeida@kawarthalakes.ca

May 25, 2023

VIA E-MAIL: [REDACTED]

Re: Request for License Agreement – Fence Encroachment on City-Owned Road Allowance adjacent to 31 Main Street.

We confirm your above-noted request was reviewed by the Land Management Team at their meeting on May 8th, 2023. Unfortunately, the Team members could not approve your request due to a concern that the structure would be damaged by snow plows and by the accumulation of snow which would be pushed against it.

The encroaching fence will need to be removed. Please submit photos depicting the land free of encroachments.

Should you wish to contest this decision, you may to make a deputation directly to Council. Please note that deputations are scheduled through the Clerk's office and delegations are limited to a time period of not more than five (5) minutes inclusive of all speakers. The application form and additional information on this process can be found on the City of Kawartha Lakes website: <https://www.kawarthalakes.ca/en/municipal-services/speak-before-council.aspx>. The Clerk's office can be reached by telephone at: 705-324-9411 ext. 1341 or by e-mail: clerks@kawarthalakes.ca.

Sincerely,

The Corporation of the City of Kawartha Lakes

A handwritten signature in blue ink, appearing to read "Lucas Almeida".

Lucas Almeida
Law Clerk – Realty Services
LA:la