



## Council Report

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**Report Number:** RS2024-049

**Meeting Date:** October 22, 2024

**Title:** **Update – Request for Support of Bobcaygeon Creeks Inc. Proposed Purchase of Unpatented Land from the Ministry of Natural Resources**

**Description:** Request for an Updated Letter of Support from Council related to Bobcaygeon Creeks Inc.'s Proposed Purchase of Lots 13 and 14 on Plan 70, West of Francis Street, in the Geographic Village of Bobcaygeon, City of Kawartha Lakes, and Lots 9 and 10 on Plan 70, East of Bond Street, in the Geographic Village of Bobcaygeon, City of Kawartha Lakes

**Author and Title:** Laura Carnochan, Acting Manager – Realty Services

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### Recommendations:

**That** Report RS2024-049, **Update – Request for Support of Bobcaygeon Creeks Inc. Proposed Purchase of Unpatented Land from the Ministry of Natural Resources**, be received;

**That** Bobcaygeon Creeks Inc.'s request for support of their application to purchase the unpatented land described as Lots 13 and 14 on Plan 70, West of Francis Street, in the Geographic Village of Bobcaygeon, City of Kawartha Lakes, and Lots 9 and 10 on Plan 70, East of Bond Street, in the Geographic Village of Bobcaygeon, City of Kawartha Lakes from the Ministry of Natural Resources be denied; and

**That** Bobcaygeon Creeks Inc.'s request to purchase road allowances adjacent to its properties be denied and Staff be directed to notify Bobcaygeon Creeks Inc. of same.

**Department Head:** \_\_\_\_\_

**Financial/Legal/HR/Other:** \_\_\_\_\_

**Chief Administrative Officer** \_\_\_\_\_

## **Background:**

On June 14, 2021, the Land Management Team reviewed a request from Bobcaygeon Creeks Inc. (“BCI”) to purchase a number of road allowances adjacent to properties they owned within Bobcaygeon, as well as a request for a letter from Council in support of its attempt to acquire two parcels of unpatented land from the Ministry of Natural Resources (“MNR”). A map and an aerial map of the subject MNR lands are attached as Appendix A and Appendix B.

The Land Management Team had no concerns with the request, and correspondence was sent to BCI advising that the Team had no objections to selling the road allowances adjacent to BCI’s properties, as long as no private properties would be landlocked by the sale. The correspondence further noted that the Team was agreeable to recommending that Council support BCI’s request to acquire the MNR lands. The Team advised that the disposition of the road allowances could proceed following BCI’s acquisition of the MNR lands.

At the Council Meeting of August 10, 2021 Council adopted the following resolution:

### **CR2021-358**

**That** Report RS2021-025, **Bobcaygeon Creeks Inc. Proposed Purchase of Unpatented Land from the Ministry of Northern Development, Mines, Natural Resources and Forestry**, be received;

**That** Council support Bobcaygeon Creeks Inc.’s request to purchase the lots legally described as Lots 13 and 14 on Plan 70, West of Francis Street, in the Geographic Village of Bobcaygeon, City of Kawartha Lakes, and Lots 9 and 10 on Plan 70, East of Bond Street, in the Geographic Village of Bobcaygeon, City of Kawartha Lakes from the Ministry of Northern Development, Mines, Natural Resources and Forestry; and

**That** the draft letter attached as Appendix E be placed on the Mayor’s letterhead and the Mayor be authorized to sign said letter on behalf of Council as acknowledgment of Council’s formal support of Bobcaygeon Creeks Inc. request to purchase lots from the Ministry of Northern Development, Mines, Natural Resources and Forestry.

**Carried**

A copy of the letter of support is attached as Appendix C.

Following Council's submission of the letter of support, BCI pursued acquisition of the MNR lands, but faced a number of delays throughout the process.

In June 2024, BCI contacted Realty Services to advise that they were still pursuing the acquisition and MNR had requested a new letter of support from the City.

This request was reviewed by the Land Management Team at its meeting on September 9, 2024. As there have been a number of policy changes since support was provided in 2021, the Team was of the opinion that it is no longer appropriate for staff to recommend continued support of BCI's acquisition from the MNR.

### **Rationale:**

Since initial support of BCI's request was provided in 2021, there have been a number of policy changes at the City of Kawartha Lakes, which factored in the Land Management Team's decision to no longer support this request.

Specifically, MD2022-007 Construction of Rural and Urban Roads to Access Existing Lots of Record stipulates that new roads will not be constructed in areas designated as being natural heritage (woodlot or wetland) in the City's Official Plan. The MNR lots are areas of natural heritage, specifically, woodlots, in the Bobcaygeon Secondary Plan.

City of Kawartha Lakes Policy CP2022-007: "First Nations Consultation", passed in 2022, established a framework for the City's duty to consult with First Nations. This request does not require the City to consult with First Nations (consultation will be required if the applicant proceeds with a development application per the Planning Act), however, in the spirit of the policy and recognizing the Province's duty to consult, the Team is of the opinion that MNR should first consider any First Nation interest in the subject properties prior to disposition.

Further, the Team has previously requested that Realty Services draft amendments to the City's disposition policy to clarify that the Team must consider the environmental benefits of City-owned property and that the City not dispose of any environmentally-significant property. The MNR lands are part of a significant woodlot, therefore it would not be appropriate for the Team to recommend disposal of the lands into private ownership.

### **Other Alternatives Considered:**

Council could decide to support Bobcaygeon Creeks Inc.'s application to purchase the subject lands from the MNR. Council could also decide to support Bobcaygeon Creeks Inc.'s request to purchase road allowances from the City, to proceed through the

disposition process following its acquisition of the MNR lands. This would be achieved by adopting the following resolution:

**That** Council continue to support Bobcaygeon Creeks Inc.'s request to purchase the lots described as Lots 13 and 14 on Plan 70, West of Francis Street, in the Geographic Village of Bobcaygeon, City of Kawartha Lakes, and Lots 9 and 10 on Plan 70, East of Bond Street, in the Geographic Village of Bobcaygeon, City of Kawartha Lakes from the Ministry of Natural Resources and Forestry;

**That** a letter be drafted to confirm Council's current support of Bobcaygeon Creeks Inc.'s and placed on the Mayor's letterhead and the Mayor be authorized to sign said letter on behalf of Council as acknowledgment of Council's formal and continued support of Bobcaygeon Creeks Inc. request to purchase lots from the Ministry of Natural Resources and Forestry; and

**That** Staff be directed to proceed with the request to purchase road allowances adjacent to Bobcaygeon Creeks Inc.'s holdings, following its acquisition of the MNR lands, as per the disposition procedures set out in CP2021-033 Disposal of Real Property Policy and By-Law 2018-020 Disposition of Municipal Real Property, as amended.

If Council decides to support BCI's application to purchase the MNR lands, it does not place any obligation on the City to approve a future development plan, nor does it provide any guarantee that any future development plan(s) will be approved.

### **Alignment to Strategic Priorities:**

The recommendations set out in this Report align with the following strategic priority:

- A Healthy Environment
  - Protect and preserve natural areas

### **Financial/Operation Impacts:**

None

### **Consultations:**

Land Management Team

### **Attachments:**

### Appendix A – Map of MNR Lands



Appendix A - Map  
of MNRF Lands.pdf

### Appendix B – Aerial Map of MNR Lands



Appendix B - Aerial  
Map of MNRF Lands

### Appendix C – Letter of Support



Appendix C - Letter  
to MNRF (Council St

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**Department Head:** Robyn Carlson

**Department File:** L06-21-RS009