

**SUBMISSIONS TO CKL COUNCIL FOR BLACK BEAR ESTATES INC. (JAMES  
WEBSTER) FROM JAMES R. WEBSTER FOR COUNCIL MEETING  
FEBRUARY 18, 2025**

1. This is a follow up to my attendance and that of my planning consultant David Johnston and our submissions (both presented orally and in writing) at the Committee of the Whole meeting February 4, 2025 with respect to the GMS Report. Our concerns remain outstanding with respect to the wording in the Report as to the Fenelon Trails property being the “Preliminary Preferred Site in Fenelon Falls” for residential development expansion.
2. I understand that final decisions will be made over the next year or two in the OP-Secondary Plan review and update process and that those final decisions rest with CKL Council (subject to OLT appeal).
3. The statements by Dillon’s Mr. Baksh or by Ms. Barrie of CKL that this wording is relatively meaningless does not comfort or reassure me that my Black Bear property is not being prejudiced.
4. If it is meaningless as stated by Mr. Baksh, etc., then what is the prejudice or harm to CKL in deleting this wording from the Report? This would address my concerns.
5. Over my 50 years plus as a lawyer, I have personally participated in sufficient litigation and administrative hearings of various forms and in various forums to substantiate my expressed concerns as to how Black Bear is potentially prejudiced by the wording in the Report as to Fenelon Trails being the “Preliminary Preferred Site in Fenelon Falls”.
6. I appreciated the question put by Councillor Joyce at the February 4, 2025 meeting of the Committee of the Whole requesting an explanation as to why my Black Bear

property was not referenced in the Report and the later follow up questions by Councillor Perry.

7. The acoustics made it difficult to clearly hear Mr. Baksh's explanation. However, it appeared to be that according to Mr. Baksh, the Fenelon Trails applicants had or were more actively pursuing their project than what Black Bear had or was doing and that Black Bear had not or was not doing enough to express serious interest or merit.
8. I do not agree with or accept Mr. Baksh's explanations.
9. Under CKL procedures, I was not allowed to say anything in response to the submissions of Mr. Baksh or Ms. Barrie. If I had been able to respond, Council may have seen fit to put a few questions to Mr. Baksh or Ms. Barrie that would possibly have addressed my concerns. Having not been able to do so, I am left with asking you to obtain full answers to the following prior to Council proceeding to "accept" the Report.
10. Was Mr. Baksh aware that Black Bear had been pursuing with CKL, development approval for this property since late 2003?
11. Was Mr. Baksh aware of and familiar with the CKL files pertaining to the Black Bear OP Amendment Application submitted in August 2006 (CKL file D01-16-168) and/or the Black Bear subdivision application submitted in April 2007 (CKL file D00-20-009)?
12. Did Mr. Baksh review these files from dates of submission up to the time that CKL Council adopted the Fenelon Falls Secondary Plan in 2015, which Plan had the requisite residential development designation on the Black Bear property?

13. Did Mr. Baksh consider the position of CKL Planning through those years that it could not proceed with the Applications until CKL completed whatever lands needs assessment, growth studies and servicing studies that were underway or would be underway under the auspices of CKL that meant that I was waiting for CKL in those years?
14. Did Mr. Baksh then review what had taken place between the Secondary Plan adoption by CKL Council in 2015 with the requisite Black Bear designation and why in 2017 CKL Planning arbitrarily and without notice or input by me and with or without CKL Council direction and contrary to Planning Act procedure, removed the development designation from the Black Bear property?
15. Council may recall that after the Secondary Plans were adopted in 2015, that leaving aside several appeals to OLT by individuals and several more by corporate interests (primarily major developers interested in lands in and about Lindsay), that Municipal Affairs appealed to OLT, apparently on the basis that CKL had not conducted the requisite "growth management studies" to support expansion and that the Secondary Plans allowed for too much expansion.
17. Why these studies that were apparently a clear requisite of Municipal Affairs and the P.P.S. had not been done by CKL remains another mystery. Assuming that I have described the position of Municipal Affairs correctly, and that CKL accepted the position of Municipal Affairs, then the result was subsequent years of OLT litigation for which CKL has paid Toronto legal counsel and planners millions of dollars. Potentially this could have been largely avoided had the requisite studies been done prior to 2015 or shortly after the MMAH appeal to the OLT?
18. As a result of that appeal by Municipal Affairs, CKL Planning arbitrarily (as set out above) removed the Black Bear development designation. It is important that you understand that this was done by CKL Planning. This was not done by Municipal

Affairs and was not dictated to CKL Planning by Municipal Affairs. Whether this was done with the knowledge of or at the direction of CKL Council at the time, I do not know and have been stonewalled and ignored in my efforts to find out.

19. Since this removal in 2017, I have sought and my planning consultants have sought a detailed explanation as to why the Black Bear lands were singled out for this treatment, how this was justified, who decided to do this and what, if any, other lands received the same or similar treatment.
20. In or about Spring 2018, CKL Council directed CKL Planning staff to meet with me and my planning consultants to answer or respond to these concerns. That meeting has never happened and my questions and concerns set out above remain unanswered.
21. I have previously explained that when the Fenelon Falls Secondary Plan was approved by CKL Council in 2015, I did not appeal. The Black Bear lands had the development designation which would enable me to proceed with residential development in various forms, subject to satisfying normal subdivision requirements.
22. As a result of the appeals to OLT, all was in limbo again, or still, and then when CKL Planning removed my designation (as above), I was worse than in limbo.
23. As I had not appealed the Secondary Plan in 2015, I was not able to engage and advocate for Black Bear's interest in the subsequent years of OLT proceedings.
24. I would therefore like an explanation from Mr. Baksh and CKL Planning as to why Black Bear, after being treated this way by CKL Planning in 2017 (assuming they have no good explanation and if they do have a good or any explanation, why am I still waiting for it 7-8 years later?), would proceed and spend further tens and

hundreds of thousands of dollars on studies when I am, on the face of it, without explanation, being discriminated against and essentially ignored.

25. It may also have been of interest to Mr. Baksh, if he or anyone had asked, to know that I have spent tens of (or hundreds) thousands of dollars with respect to moving development forward, for among other matters, archeological studies and archeological clearance, forestry studies, bat studies, engineering and servicing, etc.
26. In the several years leading up to the designation of the Black Bear lands for residential development in the Fenelon Falls Secondary Plan, I was not asked by CKL Planning staff or others to provide any studies to support the designation.
27. Perhaps Mr. Baksh should also have considered that the Fenelon Trails site has significant servicing constraints that do not apply to the Black Bear site, that Fenelon Trails proposal is 3-4 times in population expectations plus commercial aspects, that Fenelon Trails may have a new highway through it depending on whether, when and where located a "second" river crossing occurs, that the Black Bear property has ready access to existing infrastructure (municipal sewer, water, roads) that would enable development to proceed without huge onsite and offsite works and infrastructure improvements. In addition, the Black Bear site has amenities that the Fenelon Trails site does not have - particularly the view of Cameron Lake from the west side of the property which would allow for some high end condominium units with high density and other residential units that would be a draw for Fenelon Falls.
28. I would like to know whether Mr. Baksh had all of this information and was aware of the OP and subdivision applications/files and if so, did he review them? If he did not have this information or was not aware of the OP and subdivision applications/files, or did not review them and their full contents and subsequent

correspondence, etc., then why not?

29. I request the assistance of Council in obtaining full written answers to the above and that I have an opportunity to review them prior to CKL Council proceeding to accept the GMS Report.
  
30. With respect to the files referenced in paragraph 11, there has been some suggestion that those files, or one of them, may not exist. I would like to hear from CKL Planning if they do exist and have been located or not. If they have been located, I request an opportunity to review them with my planning consultants.