

October 27 2016

John Ewart
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Re: North Kawartha Bylaw 26-2013 OMB Case # PL 130272

John

In October 2013, prior to my departure to Naples for winter we reached agreement on Minutes of Settlement on all my appeal items except the matter of regulating in-water development which was item #1 of my appeal to bylaw 26-2013. On Jan 21 2014 OMB member Rossi issued an order accepting Minute of Settlement and para #3 recognized the need to resolve the outstanding item of regulating in-water development which at that time could not be decided by the OMB as it was before the Courts.

You will recall, at that time, the then Council had taken the position of “no jurisdiction” related to the township zoning and regulating structure beyond the high water mark.

Since that time things have changed. A new Council was elected which supported regulating in-water development and in fact have proceeded to develop zoning regulations and passed such a bylaw in June 2016 to regulate in-water development. That bylaw supported my previously stated position that lakes should be zoned and in-water boat houses should be prohibited.

Also the Judge Perrell issued a decision in June 2015 clearly indicating that North Kawartha both had the jurisdiction and obligation to regulate in water development. North Kawartha Council accepted Judge Perrell’s position by not appealing his decision.

The court decision was confirmed by an order issue yesterday which formalizes the matter and supports my appeal item # 1 to zoning bylaw 2013-26.

The following is taken directly from Item # 1 of my OMB appeal dated April 4 2013 to zoning bylaw 2016-13

That North Kawartha accepts my recommendation made in submission # 12 Dated Sept 12, 2011 and zone lake beds and further prohibit in water boat houses as was clearly expressed by the cottage community and accept the municipal responsibility to regulate all development within the boundaries of their township to protect water quality and the natural beauty of the area. Also reference previous submission #15 Dated Nov 9 2011

It is clear to me that in keeping with the Court Order now signed by Justice Perell, and entered Oct 26 2016, that OMB should issue an order allowing my appeal item #1.

I understand OMB has scheduled a prehearing conference for December 13 related to Case and file # PL 130372 related to appeals of Bylaw 26-2013. I will not be attending as in the past I depart for the South about November 1st.

My suggestion is that you obtain NK Council agreement to allow my appeal on item # 1 as it has already been decided by Judge Perell and no further debate is required.

I see no reason why this mater cannot be resolved at this point and clearly there is no need for either a prehearing conference or formal hearing to debate what has already been decided by the Court process.

Except for being in transit for a few days next week I am available to participate in whatever step required to concluded this issue.

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