

# Ambrose Moran

August 1, 2021

Local Planning Appeal Tribunal  
655 Bay Street Suite 15000  
Toronto Ontario M5G 1E5  
Att: Case Coordinator, Planner Brandon Stevens

## **Re: Case PL 190446 North Kawartha LPAT Order issued June 12 2020**

On June 12 2020 LPAT issued an order related to appeals to a zoning bylaw in North Kawartha Township. North Kawartha Council, following a lengthy public process, passed zoning bylaw 2019-078 to regulate in-water structures such as docks. The bylaw is often referred to as the **dock bylaw**.

The dock bylaw 2019-078 was appealed to the Local Planning Appeal Tribunal (LPAT) by 4 persons (Messrs. Glaspell, DeSorcy and Breuls, and myself).

Following lengthy negotiations, **Minutes of Settlement** (MOS) were entered into between all appellants and signed by the municipal solicitor on behalf of the Township. LPAT Case No PL 190446 -- **Exhibit # 1**

The MOS were presented to the LPAT Member on June 5, 2020 by video conference leading to an LPAT Order being issued on June 12, 2020. LPAT Order -- **Exhibit # 2**

The MOS referenced in the Order include the following:

The Corporation of the Township of North Kawartha upon approval by the Local Planning Appeal Board Tribunal of the proposed Bylaw attached hereto as schedule A **shall proceed with diligence to update the zoning schedules to By-Law 26-2013 to identify lake zones and provincially significant wetlands (PWC).**

**The order includes Clause (7) stating “The Tribunal recognizes that amendments to certain schedules of the bylaw may be required, and the Tribunal may be spoken to if any issues arise between the parties”.**

Following the LPAT Order in **June 2020**, Appellants were not aware of, or kept informed of, any action being taken by the North Kawartha Council to update the zoning schedules to identify where Lake Zones applied and where Provincially Significant Wetlands were located.

**On April 14, 2021**, appellants received an email from the Township’s Planning Consultant Emma Drake of Wills and Associates stating:

*The Schedules have been updated to reflect the Lake Zone (L), Federal Lakes and Provincial Lakes through a consolidated exercise of the Comprehensive Zoning Bylaw, in accordance with the signed Minutes of Settlement (May 12, 2020)*

*At this time, **no revisions have been made to mapping of the provincial significant wetlands (PSW) zone: as such should proceed under an exercise with greater public consultation. However, we do note that revisions to the PSW zone mapping are anticipated to be forthcoming as part of a zoning bylaw update process, following the County of Peterborough Official Plan update.***

*The schedules as prepared, together with a copy of the consolidated Zoning By-Law 26-2013 will be available on the Township website shortly.<sup>1</sup> **Exhibit # 3***

On **April 18, 2021**, I emailed North Kawartha Council (except conflicted Mayor Amyotte) requesting action on the matter of the outstanding Council obligation to update zoning schedules. **Exhibit # 4**

North Kawartha Council discussed my **April 18, 2021** email, related to the dock bylaw, at their Council meeting on **May 4, 2021** chaired by Mayor Amyotte, who did not declare this time a conflict, and were told by their CAO that getting the lake zones done was the priority. The PSW would follow sometime later, and the intent of MOS had been satisfied. Council via motion 21-146 simply received my correspondence without any reply or any indication of intention to undertake what they were obligated to do per the MOS and LPAT Order. I did write the CAO on **June 27, 2021** expressing concern about her May 4, 2021 verbal report to Council. **Exhibit # 5**

Again, I wrote four members of Council (Deputy Mayor Whelan, Councilor O'Shea, Councilor McClellan and Councilor Miszuk) on **June 28, 2021** asking for an undertaking that they would honor the agreement stated in the MOS. **Exhibit #6**

According to the Council's meeting minutes for the **July 13 2021**, motion 21-241, my **June 28 2021** letter was simply received with, again, no indication of intention to undertake what they were obligated to do per the MOS and LPAT Order. No response has been received to my **June 28 letter**.

Despite the Council's public meeting minutes being silent on Council's intentions, a review of the meeting video posted on YouTube includes comments during the meeting by members of Council which reveal my letter of **June 28** was discussed in closed session that same day, according to comments made by conflicted Mayor Amyotte and Deputy Mayor Whelan, but not in the public minutes. Apparently, staff had been given direction to communicate with Mr. Moran and work on minutes of settlement. It is apparent to me that that direction was either made in closed session or directly to staff but certainly not in public.

#### **Summary**

Five appellants in good faith signed MOS in **May 2020**, which obligate the North Kawartha Council to proceed with diligence to update By-Law 26-2013 schedules to identify Lake zones and Provincially Significant Wetlands and as of today the Lake (L) zoning has not been put in place AND there is no Council indication of any timetable or even commitment to fulfill the clear obligation in the MOS to proceed with updating zoning schedules to Bylaw 26-2013 to identify Lake Zones and Provincially Significant Wetlands.

This unacceptable conduct of participating Council members undermines public trust in entering into written agreements with this Council and I am asking your Office to take action to ensure North Kawartha diligently honors the Minutes of Settlement, which were basis for the LPAT Board Order issued June 12 2021 .

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cc other Appellants