

Presentation to North Kawartha Council Sept 6 2011

Shore Road allowances _ Lot line projections--- By Ambrose Moran

In Late 70's FOCA successfully lobbied for cottagers to have right to purchase shore road allowances

When disposal of shore road allowances was being considered by my then Ministry of Housing the matter of lot line projections was considered-At that time Ministry of Housing provided guidance to township on this matter and **attached is diagrams** showing solution to converging lots lines.

For many years former Chandos Township and Burleigh Anstruther township and more recently the North Kawartha Township procedure for purchasing shore road allowances **had a requirement that abutting neighbours were required to agree to the lot line extensions.**

MNR dispose of a large number of similar parcels known as Crown reserves and have indicated to me, they would not consider any application for sale of a shore crown reserve **unless the neighbours had agreed to the lot line extensions.**

When the updated North Kawartha Bylaw dealing with disposal of shore road allowances was passed, apart from a significant price increase a fundamental procedural change was introduced **taking away the requirement for the neighbours to agree on the lot line projections.**

I was shocked to learn about this and uncomfortable that since 1997 in dealing with waterfront sales in our area have explained to prospective purchasers that yes shore road allowances were available for purchase from the township and there is a requirement that agreement is required of neighbours for the lot line projections

I am well aware of the issue Council is exposed to on Lasswade Lake affecting the [REDACTED] and [REDACTED] properties where the straight line extension would cause a significant hardship and significant devaluation on property values for the [REDACTED] since the ownership of the traditionally enjoyed waterfront lands would be transferred to the [REDACTED]

Robert Pakenham in letter to Council Feb 19 2009 said *yes township can have policy of straight line extensions but policy should be flexible to and involve a process to depart from that policy when an **injustice would be inflicted upon the parties involved.***

The schedule A to Bylaw #16/11 Shoreline Road Allowance Closure Policy & Application states

- The Township offers for sale the 66 foot shoreline allowance ONLY to property owners whose land is separated from the lake by the allowance.
- Any concerns raised by public would be resolved to Council's satisfaction prior to enactment of a bylaw to stop up and close and dispose of the subject road allowance.

In the case of the Johnson Poole application a motion was passed by Council in a recorded vote despite concerns not being resolved and in fact under threat of [REDACTED] lawyer to a court challenge if passed.

This motion 10-711 in my opinion was wrong and in direct conflict with the in effect policy as stated concern were not resolved and in fact the township council effectively were selling property which separates [REDACTED] property from Lasswade lake to their neighbour.

Recommendation

North Kawartha Council reinstate in their shore line disposal policy the previous requirement that lot line extension require the agreement of neighbours which is common in other municipal jurisdictions and practices of MNR.