

Township of North Kawartha
280 Burleigh Street, PO Box 550, Apsley, ON K0L 1A0
Tel: 705-656-4445 | 1-800-755-6931 | Fax: 705-656-4446
www.northkawartha.ca

Report to Council

To: Mayor and Council Members
From: Alana Solman, Chief Administrative Officer
Date: August 27, 2024
Subject: Municipal Property 1536-020-002-27407 (Jack Lake, FR 52A)

Recommendation:

That Council receive the report from the CAO regarding the Municipal Property 1536-020-002-27407 for information.

Background:

This property, roll number 1536-020-002-27407 (legal description CON 15 PT LOT 6 PT LOT 7 RP 45R363 PART 40), was previously owned by the Peterborough Lumber Company and came into municipal ownership in 1969. Records currently reviewed indicate that the property was conveyed as a parkland dedication in respect to the Peterborough Lumber Development Plan 45R 363.

There is a history of both barging use by the lumber company, by contractors providing products and services to water access properties and as a boat launch by those fishing, cottagers and local residents and parking.

Staff Reports indicate that in 1994 and 1996, the property was zoned Recreational Residential and the Official Plan Designation was Shoreline Residential. The property is currently zoned Major Recreation Open Space Zone (OS) and is still designated Shoreline Residential in the Official Plan. The change in zoning appears to have taken place in the late 1970s perhaps with the 1979 zoning by-law update however more research is required. Major Recreation Open Space Zone (OS) has the following permitted uses: a beach, a conservation area, a forestry use, a private park, a public forest and a public park.

The property is located on a private road, Fire Route 52A. With regards to the use of private roads or Right-Of-Way, the municipality does not regulate or enforce who has permission to travel on private roads or a ROW. It is not a municipal road and the municipality has no jurisdiction.



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July 26, 2024, the By-Law Enforcement Officer received complaints regarding this property concerning commercial use, mooring, barging and noise complaints. By-Law Complaints are confidential and actions have been taken to end commercial activities of mooring a vessel and storage of building material on the property.

Council members, collectively and individually, have also been receiving multiple emails from residents including a list of names stated as a petition and from the public in this regard. It is important to understand that no individual member of Council can make a decision independently and that Council decisions are provided via motions and by-laws approved at a Council meeting. The Township is a municipal government and has governance policies in place to receive input from the public. Once a topic has been addressed at a Council meeting, Council may direct staff to prepare staff reports to provide information, research, best practice, expertise and professional advice where necessary or to take a specific action. In some cases, experts are required to obtain information and opinions such as the municipal solicitor to provide legal advice.

Analysis:

Other than being zoned Major Recreation Open Space Zone (OS) under the current Comprehensive Zoning By-Law that identifies a zone for every property, staff have been unable to locate any site-specific by-laws addressing the use of this property.

The property has experienced mixed use over the decades including both barging use by the lumber company, by contractors providing products and services to water access properties and as a boat launch by those fishing, cottagers and local residents and parking. Complaints and petitions have been received in the past and the property appears to have been signed at one time or another in different ways including No Boat Launching / No Commercial use. There is no defining by-law pertaining to the regulations for the use of this property, beyond being zoned as Major Recreation Open Space Zone (OS). Barging is not referenced in the Comprehensive Zoning By-Law.

The contractor involved in the complaint has been advised that boats or barges cannot be moored at the property and construction materials cannot be stored on the property. A material storage site would be considered commercial use of the property. Staff's understanding is that these commercial activities are no longer taking place on the property.

Mapping and survey information currently available to the Township indicate that the boat launch currently being used by contractors and others may not be located on the municipal property and that much of the municipal property may be under water. This also supports the reports that refer to the municipal property being dredged years ago. In order to proceed with recommendations to Council, the Township has sought legal advice from the municipal solicitor. Mr. Ewart has indicated that the first step required, further to obtaining the property deed, is to obtain an updated plan of survey or R-Plan



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for the municipal property which will clearly identify the property and will reflect the current state of the property. The survey has been commissioned.

Complaints regarding excessive noise beginning at 6:00 AM do not contravene the Township of North Kawartha's noise By-Law 17/04. Section 3 g) states that the noise caused by the erection, demolition, alteration or repair of a building or by construction of earthmoving equipment working upon such site situated within 500 feet of an occupied dwelling house on any day, between the hours of nine o'clock in the evening and five o'clock in the forenoon of the following day accepting Sundays, when no such noise shall be created before the hour of 12 noon shall be deemed to be noises likely to disturb. This section reads almost identically to the same section in the Havelock Belmont Methuen Noise By-Law #2024-027.

Staff continue to work on this file with the municipal solicitor. Once all pertinent information has been obtained, a staff report with recommendations to Council will be presented at a future meeting.

Financial Implications:

Legal costs, including a title search, survey and legal opinion are undetermined at this point.

Strategic and/or Other Plans:

Governance

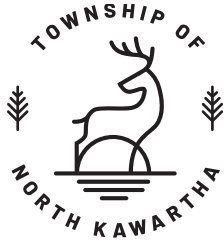
1. Maintain policies and processes that enable effective governance.
3. Provide effective, clear and transparent Township communication.

Environment

1. Promote responsible environmental stewardship
2. Protect the human environment

In Consultation With:

Matt Aldom, Chief Building Official / By-Law Enforcement Officer; Darryl Tighe, Manager of Planning; Emily Fitzgerald, Junior Planner; Council; Connie Parent, Clerk; John Ewart, Municipal Solicitor



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Attachment:

North Kawartha By-Law 17/04

Havelock Belmont Methuen By-Law #2024-027