

**Town of Georgina  
Lake Drive Shoreline Jurisdiction Ad Hoc sub-Committee  
MEETING**

Tuesday, March 7, 2017  
6:30 PM  
Board Room- Civic Centre

1. CALL TO ORDER
2. ROLL CALL
3. ELECTION OF CHAIR AND VICE CHAIR
4. CONSIDERATION OF REPORTS ON THE AGENDA
  - (1) Pages 1 - 7
    - (1) Notes from February 21, 2017 meeting:
      - A. Committee services Coordinator Sarah Brislin notes
5. COMMUNICATIONS
6. OTHER BUSINESS
  - (1) Continuation of discussion on Policy formation.
  - (2) Schedule upcoming meeting dates.
7. MEETING ADJOURNED

February 21, 2017

Lake Drive Shoreline Jurisdiction Ad Hoc Committee Sub-Committee.

In attendance:

Councillor Dan Fellini, Committee member  
Dave Szollosy, Committee member  
Alan Direnfeld, Committee member  
Andrew Biggart, Town Solicitor  
Sarah Brislin, Committee Services Coordinator

Andrew Biggart, Town Solicitor, informed the Committee of his progress on the 8 tasks added to the "to Do List" at the first meeting. The Committee was forewarned that the answers were not absolute and that there may be flexibility for the Town to work with the Committee in order to address concerns.

The tasks and outcomes are listed below.

1. To find out if the Town has the ability to send out letters.

The response was yes but would require a list who letters are being sent to.

2. Can the Town administer and keep track of the fee?

The response was yes. Andrew advised staff that the Committee's suggestion was a \$500.00 payment.

The Committee discussed whether the payment should be refundable or not. The

Concerns raised were

- If it is not refundable, will there be a problem getting buy in?
- If it is refundable and people then withdraw from the process after the R-Plan is drawn the Town (taxpayers) would have to cover the cost.
- The Committee discussed making the payment non-refundable, but it would be credited towards the final payment if they proceed with the transfer or lease.
- The Committee discussed whether or not the fee is subject to HST, inclusive of HST or not impacted by HST. There was a general consensus that HST would apply because the payment would be applied as an installment of the land transfer which would require HST to be accounted for.

3. To determine the cost of registering lots

- Andrew Biggart spoke to a colleague, and he suspects they are in the right ballpark there will also be HST and disbursements
4. To find out if it would be possible to apply the cost of the transaction to the tax roll of the owners whom the property is transferred to.
    - Staff suggest the 10-year plan would be supported and possibility
  5. If the RFP can be separated into 3 parts
    - Mr. Biggart advised it seemed premature at this point to inquire about the RFP process.
    - The Committee discussed whether there was any reason that they couldn't break it up into 3 bids and there did not appear to be any reason.
  6. To find out policies relating to surplus land.
    - Mr. Biggart advised that land must be declared surplus before it can be transferred
    - Mr. Biggart advised that the Municipal Act, 2001, S.O. 2001, c. 25, states:
      - a. 34. (1) A by-law permanently closing a highway does not take effect until a certified copy of the by-law is registered in the proper land registry office. 2006, c. 32, Sched. A, s. 18.
      - b. A municipality that permanently closes a highway shall not convey the land forming the highway if it is covered with water without the consent of the Ministry of Natural Resources. 2001, c. 25, s. 43.
  7. To find out what the width of the Road Allowance (on the untraveled portion would need to be).
    - Mr. Biggart advised that staff suggested a width of 33 feet.
    - The Committee discussed that this would not allow some people any lake front access. They noted that some of the roadside lots abutting the lake have a steep drop towards the water or have terrain that would make it impossible for vehicles to park on. In addition, there would be no reason for the Town to require large road allowances for the purpose of repairs and maintenance if they can't park on, build on or otherwise utilize.
    - Mr. Biggart reminded the Committee that nothing had been firmly determined yet and that he would speak to Dan Pisani, Director of Infrastructure and Operations when he returns.
    - It was asked if there be a conflict with Canada Post and their mailboxes.
    - The Committee suggested they may need to keep Easements in case access is required.
  8. To find out if there is a Town policy on disposition of land.
    - The Committee was advised there is a policy, which currently prices land at \$2.00 per square foot. This price is, however, subject to change; a report is expected to go to Council by the end of February. The Report will suggest an increase.

The Committee reviewed the action plan prepared by Alan Direnfeld and discussed the following observations:

- There should be a process to challenge the outcomes which should be determined by the Town.
  - For residents who wish to challenge, they would need to prove ownership.
- The Committee agreed the initial payment should not be refundable.
  - A concern was that it might discourage participation if they didn't offer a refund
  - There was also a concern that it encourages freeloading, people might wait to see the outcome, and that the burden would then be on the Town (taxpayers).
  - The Committee discussed the possibility of people who buy in late being subject to a higher fee (penalty).
    - The example used was \$750.00 rather than the initial \$500.00 buy in.
  - It was noted if the owners don't commit to buying they would still get the R-Plan, which may be beneficial to them. The R-Plan can be used to identify where the boundaries are.
  - It was noted that once the R-Plan is formed someone could go to the registry and purchase their survey for about \$40.00
  - The Committee agreed that would not change the total cost payment.
- The Committee discussed whether or not letters determining interest were necessary.
  - It was suggested that Deyril Blanchard that would email and give the Lake Drive Residents (belonging to the community group) a heads up to look for something coming in the mail from the Town. Prior to sending letters detailing the specifics.
- The Committee discussed the RFP process which will be separated into 3 parts. It was suggested if they determine the bid is coming in at a higher price than the Town is prepared to pay they would turn down higher bids and sole source if another company had submitted a more affordable bid for one of the other sections.
- It was confirmed that the Town staff would support a payment plan over 10 years (is with interest)
  - The Committee was informed an interest rate would likely be charged, to cover the costs of inflation.
- The Committee discussed how to proceed with Policy B and agreed to work from the ongoing policy that had previously been presented by staff to the Ad-Hoc Committee.

- It was suggested that some general statements should be included, examples were:
  - Foreign objects etc.
  - Not to interfere with neighbors casual/recreational use lake
- Andrew suggested the Committee work with the Planning Department on zoning. Ask planning staff to put together an appropriate zoning by-law for the land.
  - People will want to know what they are buying and what are the restrictions
  - A Preliminary list was proposed to be included with the letters, *what can and cannot happen on the land*.
  - If the zoning changes after they begin the process or after the transaction, they may challenge the Town, because they feel misled about the land and what they can do with it.
  - It was suggested starting with the policy B, which would be embedded in the zoning by-law
  - It was clarified that Zoning would apply whether people purchase or not.
  - The Committee was advised that A Zoning by-law amendment would mean:
    - Time requirements
      - Notice requirements
      - A Public Meeting
      - An appeal period
  - Owners will be adequately informed of the uses because notice is required.
  - Appeals are less likely to be successful when the municipality owns the land
  - Trying to zone land you don't own is harder, people may be more likely to challenge, may feel jilted if they just spent money and then zoning creates restrictions they didn't expect – may claim municipality owes them money.
  - For people who have the property deeded:
    - The municipality can still rezone
    - Existing structures would likely be grandfathered in as legal non-conforming.
  - The idea is to have uniformity of uses and restrictions along the lake.
  - Could still allow through zoning docks, decks stairs, etc.
- The Committee has requested Andrew Biggart contact The Planning Division to request a draft zoning from the planning department.
- The Committee discussed Time Lines.
  - It was agreed that there should be a minimum number of days for owners to respond indicating their interest.
  - The Committee agreed the general letter Deyril Blanchard sends to the Lake Drive group would:

- Give a heads up to residents to keep an eye open for letter from the Town
  - Some information about what's coming up
    - So people are not caught off with a required payment of \$500.
    - Response not required.
    - Would need proper presentation so as not to be a disincentive to owners from the initial \$500.00 payment.
- The Letter from the Town will require a response within 30 days.
- The Committee discussed the following:
  - That consideration is given to a 45 day turn around, depending on the time of year. It was noted, some residents may leave in the summer and vacation in the winter.
  - Whether or not the letter should be advertised with Social Media outlets to ensure a response from any residents that may have an interest.
  - It was noted that notice should be Town-wide be posted in at least one of the following:
    - The paper,
    - The Town's website or,
    - On social media.
- The Letter from the Town needs to be drafted advising owners of:
  - The requirement to pay \$500.00 towards the creation of the R-Plan but that does not require them to commit to leasing or purchasing the land.
  - Andrew Biggart advised he would draft and bring the letter to the next meeting.
- Andrew offered to ask The Purchasing Division to begin preparing the RFP.
  - Once satisfied with the RFP, the Committee will send it to the Ad Hoc Committee to Review.
- The Committee asked if the By-law to declare the lands surplus could be prepared. And,
  - They were advised it would be best to that the survey before declaring the lands surplus.
  - The Committee noted they would like to be sure it is drafted to include the \$2.00 per square foot before the Town changes its Policies.
  - Keep in mind that the owners would pay the survey costs and transfer costs (legal fees).
- Andrew Biggart offered to draft the surplus land by-law.
- Dave Szollosy offered to review the previous Land Use Policy which was forwarded to the Ad-hoc Committee, make changes and bring back to the Committee.
- Mr. Biggart advised he would notify the Planning Division, to inform staff of what the Committee is looking for in terms of time lines.
  - It was noted the Policy and the Zoning By-law should align.

- The Committee was advised that the Planning Division is very busy right now, there will be 2 public meetings per Council meeting until the end of July.
- The Committee discussed how to handle the scenario where there is no response. Suggestions included:
  - Discontinue right of access.
    - Is challenging to enforce, the person needs to be observed accessing the property.
  - Remove any amenities they have on the property.
  - Build fences to prevent access ( to address liability)
  - It was noted that a checkerboard of ownership along the lake would present challenges to staff who are monitoring or enforcing, how will they know which properties are owned and which are not.
  - Staff may be required to maintain un-owned properties.
  - Let all public have access, but this presents a liability.
  - The legal perspective is for the Town is to hang on to all the land or get rid of all of it (contiguous ownership).
  - Sell it to one of the abutting land owners
    - What if there are multiple eligible owners.
    - What if there are two wealthy owners on each side and the directly abutting owner is unable to afford the land.
- The Committee discussed the difference between a license and a lease and were informed:
  - A lease can:
    - Be for a long period of time.
    - Generates real revenue
    - Come with a bundle of rights
  - A License can offer:
    - A trial, for people who are hesitant for long term
    - A more flexible option
    - The opportunity for non-incorporated beach association to formalize exclusive use.
  - It is preferred to sell or lease and to try to avoid licenses.
    - It was suggested only Beach Associations be granted licenses.
    - The Committee was informed that the Town would be unable to acknowledge an association in a By-law unless it is incorporated.
    - The by-law could capture and the properties on a map or schedule to indicate the properties allowed to access the land.

- Mr. Biggart advised he would speak to Ad Hoc Committee member Cathy Hasted, to find out more about how the beach association she represents works.
  - Need to find out if it would be insurable if multiple people access
  - What happens if someone's guest injures themselves?