

VIA E-MAIL

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July 10, 2018

Mayor and Members of Council
Town of Georgina
26557 Civic Centre Road, R.R. #2
Keswick, ON L4P 3G1

Dear Madam Mayor and Members of Council:

Re: Provision of Advice Regarding Issuance by Lake Simcoe Region Conservation Authority ("LSRCA") of Permit Under Section 28 of the Conservation Authorities Act Involving Maple Lake Estates \ Lots 23-27, Concession 3, Registered Plan of Subdivision 65M-2903

I am writing as a follow up to the receipt of confirmation from the LSRCA that a permit has been issued under Section 28 of the *Conservation Authorities Act* and *Ontario Regulation 179/06* to Maple Lake Estates Inc. ("the Owner"). The securing of the permit by the Owner has been done in partial fulfillment of one of a number of pre-conditions required for commencement of construction on the Maple Lake Estates property. However, as summarized below, there are a number of other matters requiring Town approval that must be addressed by the Owner prior to commencing any works on the site. Failure to comply with these requirements in advance of commencement of construction would provide the basis for the initiation of enforcement proceedings by the municipality against the Owner.

The current restrictions on construction applied by the Town to the Maple Lake Estates property include the following:

1. Provisions contained within Town Zoning By-law No. 500, as amended, which applies a Holding provision to commencement of construction of certain phases of the Maple Lake Estates project.

2. Provisions within the registered Subdivision Agreement with the Town, as amended, that include the following to be secured in advance of construction commencing:
 - a. The submission of a phasing plan by the Owner to the municipality to the satisfaction of the Town Engineer;
 - b. The submission of Master Grading and Drainage Plans for approval by the Town Engineer;
 - c. The provision of cost estimates and financial securities to the satisfaction of the Town Engineer for all works and services to be provided in conjunction with each phase of development based on the approved phasing plan; and
 - d. Submission to the Town Engineer for approval of a landscape plan for the project depicting, among other details, areas where trees are to be removed and where fences are to be erected.

3. As set out in a Restrictive Covenant Agreement between the original developer and the Town, registered on title to the Maple Lake Estates property as Instrument No. 1132138, the requirement for the Town to grant necessary sewage and water allocation prior to any development proceeding on any part of the Maple Lake Estates property.

All of the aforementioned approvals by the Town would be in addition to the matters approved by the LSRCA through the issuance of its permit. It is my understanding, based on input from Town staff, that all of the above matters requiring Town approval remain outstanding. Therefore, any commencement of construction on the site by the Owner in advance of these approvals being secured would be in contravention of the existing agreements that apply to the lands. Based on the foregoing, the municipality should be in a position to require of the Owner strict compliance with the current restrictions that apply to the use of the lands. Town staff and solicitor will continue to monitor the situation and report back, if necessary, in the event that any construction on the site is prematurely initiated.

Finally, I would recommend that Town Council not consider at this time the possibility of adopting an Interim Control By-law to be applied to the Maple Lake Estates property, pursuant to Section 38 of the *Planning Act*. As noted above, it is my opinion that the municipality currently has in place appropriate controls to regulate/restrict any potential construction activity on the property. However, I am also of the view that any consideration of applying this type of by-law to the site would be premature pending a final determination of the appeal before the Local Planning Appeal Tribunal ("LPAT") involving the Maple Lake Estates property. As you are aware, the hearing of that appeal was concluded last month and the decision from that appeal is pending. Based

on that decision, as finally determined, the Town will be provided with further direction for consideration as to the nature of the planning policies and regulations that should be applied to the future use of the Maple Lake Estates property.

Yours truly,

**RITCHIE KETCHESON
HART & BIGGART LLP**



Bruce C. Ketcheson

BCK/bjc