

The Corporation of the City of Kawartha Lakes

Additional Agenda

Regular Council Meeting

CC2025-03

Tuesday, February 18, 2025

Open Session Commencing at 1:00 p.m.

Council Chambers

City Hall

26 Francis Street, Lindsay, Ontario K9V 5R8

Members:

Mayor Doug Elmslie

Deputy Mayor Charlie McDonald

Councillor Ron Ashmore

Councillor Dan Joyce

Councillor Mike Perry

Councillor Tracy Richardson

Councillor Pat Warren

Councillor Emmett Yeo

Vacancy - Ward 5

Please visit the City of Kawartha Lakes YouTube Channel at <https://www.youtube.com/c/CityofKawarthaLakes> to view the proceedings electronically.

Video and/or audio recording is not permitted during Council or Committee of the Whole Meetings, pursuant to Trespass to Property Act, R.S.O. 1990, c.T.21.

To speak to an Item on this Agenda you must submit a completed Deputation Request Form by Friday February 14, 2025 at 12:00 p.m.

Accessible formats and communication supports are available upon request. The City of Kawartha Lakes is committed to accessibility for persons with disabilities. Please contact AgendaItems@kawarthalakes.ca if you have an accessible accommodation request.

6. Deputations

*6.1 CC2025-03.6.1

3 - 13

**Growth Management Strategy (2025)
Relating to Item 9.3.5 on the Agenda
James R. Webster**

That the deputation of James R. Webster, regarding the Growth Management Strategy (2025), be received.

14. By-Laws

14.1 By-Laws by Consent

*14.1.20 CC2025-03.14.1.20

14 - 15

By-Law to Deem Part of a Plan of Subdivision, Previously Registered for Lands Within the City of Kawartha Lakes, Not to Be a Registered Plan of Subdivision in Accordance with the Planning Act, Described as Lots 34-36 Plan 139; Part of Lots 38-39 Plan 139 as in R164037; Kawartha Lakes, being PIN: 63275-0160 (LT) and Lot 37 Plan 139; Kawartha Lakes, being PIN: 63275-0162 (LT)



Request to Speak before Council

Request to Make a Deputation/Presentation to
Council/Committee
City of Kawartha Lakes
City Clerk's Office
26 Francis Street, PO Box 9000
Lindsay, ON K9V 5R8
705-324-9411

Name: *

Address: *

City/Town/Village:

Province: *

Postal Code:

Telephone: *

Email: *

There can be a maximum of two speakers for each deputation. Please list the name(s) of the individual(s) who will be speaking. The names that are listed here will be included on the Council Meeting Agenda.

Deputant One:

Deputant Two:

Please provide details of the matter to which you wish to speak: *

Acceptance of the GMS as applicable to Fenelon Falls.

Follow up on submission made at the Committee of the Whole meeting on February 4, 2025.

Please attach any additional supporting documents you wish to provide and submit with this completed form.

Have you discussed this matter with City Staff?

Yes

No

If yes, Which department and staff member(s) have you spoken to?

What action are you hoping will result from your presentation/deputation? *

Deletion or neutralization of the GMS reference in the GMS - Fenelon Falls Section - as the "Fenelon Trails" property being the "Preliminary Preferred Site" in Fenelon Falls for residential development expansion as there is no foundation for or fairness in such wording to be included in the Report and it reflects bias and prejudice vis a vis other potential properties at Fenelon Falls, and in particular, my Black Bear property.

How would you like to complete your deputation? *

In Person in Council Chambers

By signing this form you are acknowledging that all of the information you are providing on this form is true, and giving the City permission to collect your personal information for the principal purpose of a request to make a deputation to Committee or Council as outlined below.

Signature:

James R. Webster

Date:

2/12/2025



The personal information is being collected by the City of Kawartha Lakes for the principal purpose of a request to make a deputation to Committee or Council pursuant to the City's procedural by-law. This information, including all attachments submitted may be circulated to members of Council, staff, the general public and posted on the City website. Questions about the collection of this information should be directed to the City Clerk or Deputy Clerk at clerks@kawarthalakes.ca.

Do you agree to the publication of your contact information (including your address, telephone number and email) on the City's website as part of a meeting agenda? *

Please complete this form and return to the City Clerk's Office by submitting it online or:

Fax: 705-324-8110 Email: agendaitems@kawarthalakes.ca

**SUBMISSIONS TO CKL COUNCIL FOR BLACK BEAR ESTATES INC. (JAMES WEBSTER) FROM JAMES R. WEBSTER FOR COUNCIL MEETING
FEBRUARY 18, 2025**

1. This is a follow up to my attendance and that of my planning consultant David Johnston and our submissions (both presented orally and in writing) at the Committee of the Whole meeting February 4, 2025 with respect to the GMS Report. Our concerns remain outstanding with respect to the wording in the Report as to the Fenelon Trails property being the “Preliminary Preferred Site in Fenelon Falls” for residential development expansion.
2. I understand that final decisions will be made over the next year or two in the OP-Secondary Plan review and update process and that those final decisions rest with CKL Council (subject to OLT appeal).
3. The statements by Dillon’s Mr. Baksh or by Ms. Barrie of CKL that this wording is relatively meaningless does not comfort or reassure me that my Black Bear property is not being prejudiced.
4. If it is meaningless as stated by Mr. Baksh, etc., then what is the prejudice or harm to CKL in deleting this wording from the Report? This would address my concerns.
5. Over my 50 years plus as a lawyer, I have personally participated in sufficient litigation and administrative hearings of various forms and in various forums to substantiate my expressed concerns as to how Black Bear is potentially prejudiced by the wording in the Report as to Fenelon Trails being the “Preliminary Preferred Site in Fenelon Falls”.
6. I appreciated the question put by Councillor Joyce at the February 4, 2025 meeting of the Committee of the Whole requesting an explanation as to why my Black Bear

property was not referenced in the Report and the later follow up questions by Councillor Perry.

7. The acoustics made it difficult to clearly hear Mr. Baksh's explanation. However, it appeared to be that according to Mr. Baksh, the Fenelon Trails applicants had or were more actively pursuing their project than what Black Bear had or was doing and that Black Bear had not or was not doing enough to express serious interest or merit.
8. I do not agree with or accept Mr. Baksh's explanations.
9. Under CKL procedures, I was not allowed to say anything in response to the submissions of Mr. Baksh or Ms. Barrie. If I had been able to respond, Council may have seen fit to put a few questions to Mr. Baksh or Ms. Barrie that would possibly have addressed my concerns. Having not been able to do so, I am left with asking you to obtain full answers to the following prior to Council proceeding to "accept" the Report.
10. Was Mr. Baksh aware that Black Bear had been pursuing with CKL, development approval for this property since late 2003?
11. Was Mr. Baksh aware of and familiar with the CKL files pertaining to the Black Bear OP Amendment Application submitted in August 2006 (CKL file D01-16-168) and/or the Black Bear subdivision application submitted in April 2007 (CKL file D00-20-009)?
12. Did Mr. Baksh review these files from dates of submission up to the time that CKL Council adopted the Fenelon Falls Secondary Plan in 2015, which Plan had the requisite residential development designation on the Black Bear property?

13. Did Mr. Baksh consider the position of CKL Planning through those years that it could not proceed with the Applications until CKL completed whatever lands needs assessment, growth studies and servicing studies that were underway or would be underway under the auspices of CKL that meant that I was waiting for CKL in those years?
14. Did Mr. Baksh then review what had taken place between the Secondary Plan adoption by CKL Council in 2015 with the requisite Black Bear designation and why in 2017 CKL Planning arbitrarily and without notice or input by me and with or without CKL Council direction and contrary to Planning Act procedure, removed the development designation from the Black Bear property?
15. Council may recall that after the Secondary Plans were adopted in 2015, that leaving aside several appeals to OLT by individuals and several more by corporate interests (primarily major developers interested in lands in and about Lindsay), that Municipal Affairs appealed to OLT, apparently on the basis that CKL had not conducted the requisite “growth management studies” to support expansion and that the Secondary Plans allowed for too much expansion.
17. Why these studies that were apparently a clear requisite of Municipal Affairs and the P.P.S. had not been done by CKL remains another mystery. Assuming that I have described the position of Municipal Affairs correctly, and that CKL accepted the position of Municipal Affairs, then the result was subsequent years of OLT litigation for which CKL has paid Toronto legal counsel and planners millions of dollars. Potentially this could have been largely avoided had the requisite studies been done prior to 2015 or shortly after the MMAH appeal to the OLT?
18. As a result of that appeal by Municipal Affairs, CKL Planning arbitrarily (as set out above) removed the Black Bear development designation. It is important that you understand that this was done by CKL Planning. This was not done by Municipal

Affairs and was not dictated to CKL Planning by Municipal Affairs. Whether this was done with the knowledge of or at the direction of CKL Council at the time, I do not know and have been stonewalled and ignored in my efforts to find out.

19. Since this removal in 2017, I have sought and my planning consultants have sought a detailed explanation as to why the Black Bear lands were singled out for this treatment, how this was justified, who decided to do this and what, if any, other lands received the same or similar treatment.
20. In or about Spring 2018, CKL Council directed CKL Planning staff to meet with me and my planning consultants to answer or respond to these concerns. That meeting has never happened and my questions and concerns set out above remain unanswered.
21. I have previously explained that when the Fenelon Falls Secondary Plan was approved by CKL Council in 2015, I did not appeal. The Black Bear lands had the development designation which would enable me to proceed with residential development in various forms, subject to satisfying normal subdivision requirements.
22. As a result of the appeals to OLT, all was in limbo again, or still, and then when CKL Planning removed my designation (as above), I was worse than in limbo.
23. As I had not appealed the Secondary Plan in 2015, I was not able to engage and advocate for Black Bear's interest in the subsequent years of OLT proceedings.
24. I would therefore like an explanation from Mr. Baksh and CKL Planning as to why Black Bear, after being treated this way by CKL Planning in 2017 (assuming they have no good explanation and if they do have a good or any explanation, why am I still waiting for it 7-8 years later?), would proceed and spend further tens and

hundreds of thousands of dollars on studies when I am, on the face of it, without explanation, being discriminated against and essentially ignored.

25. It may also have been of interest to Mr. Baksh, if he or anyone had asked, to know that I have spent tens of (or hundreds) thousands of dollars with respect to moving development forward, for among other matters, archeological studies and archeological clearance, forestry studies, bat studies, engineering and servicing, etc.
26. In the several years leading up to the designation of the Black Bear lands for residential development in the Fenelon Falls Secondary Plan, I was not asked by CKL Planning staff or others to provide any studies to support the designation.
27. Perhaps Mr. Baksh should also have considered that the Fenelon Trails site has significant servicing constraints that do not apply to the Black Bear site, that Fenelon Trails proposal is 3-4 times in population expectations plus commercial aspects, that Fenelon Trails may have a new highway through it depending on whether, when and where located a "second" river crossing occurs, that the Black Bear property has ready access to existing infrastructure (municipal sewer, water, roads) that would enable development to proceed without huge onsite and offsite works and infrastructure improvements. In addition, the Black Bear site has amenities that the Fenelon Trails site does not have - particularly the view of Cameron Lake from the west side of the property which would allow for some high end condominium units with high density and other residential units that would be a draw for Fenelon Falls.
28. I would like to know whether Mr. Baksh had all of this information and was aware of the OP and subdivision applications/files and if so, did he review them? If he did not have this information or was not aware of the OP and subdivision applications/files, or did not review them and their full contents and subsequent

correspondence, etc., then why not?

29. I request the assistance of Council in obtaining full written answers to the above and that I have an opportunity to review them prior to CKL Council proceeding to accept the GMS Report.

30. With respect to the files referenced in paragraph 11, there has been some suggestion that those files, or one of them, may not exist. I would like to hear from CKL Planning if they do exist and have been located or not. If they have been located, I request an opportunity to review them with my planning consultants.

**SUBMISSIONS TO CKL COUNCIL FOR BLACK BEAR ESTATES INC. (JAMES WEBSTER) FROM
DAVID JOHNSTON FOR COUNCIL MEETING FEBRUARY 18, 2025**

1. In the interests of fairness and transparency and Mr. Webster's concerns about what appears on the face of it to be prejudicial and unequal treatment (particularly removal in 2017 of his Secondary Plan designation which remains unexplained), Mr. Webster will be forwarding his own submissions for your consideration.
2. Both Mr. Webster and I are well aware of the volume of materials that you are asked to review and consider, however, neither Mr. Webster nor I in our approximately 50 years (each) of municipal involvement have seen what, in this case, appears to be unfair and prejudicial treatment.
3. We therefore seek the requested detailed answers and explanations.
4. Hopefully those answers and explanations will alleviate our concerns and enable us to proceed with peaceful minds and a spirit of cooperation."
5. Unfortunately, I will not be able to attend the February 18 Council meeting but wish Council to consider the following:
6. When Mr. Baksh made his presentation at the February Committee of the Whole meeting, he emphasized that Fenelon Trails had a formal application pending. At the same time, a few moments earlier in speaking to the selected properties in Bobcaygeon, he referred to a property that was south of the channel as an area that "maybe 20 years ago had draft plan approval for a plan of subdivision". He also added that the draft approval may have lapsed but was worthy of inclusion in the report. The report also indicated, in speaking to Bobcaygeon, that there was a need to ensure competition in the marketplace.
7. It would seem that Mr. Baksh used different criteria in evaluating the lands in the Fenelon Falls area. Black Bear has had an OPA and Plan of Subdivision application pending since 2006 and 2007. If a 20-year-old, possibly lapsed plan subdivision application can be justified for inclusion in the study, then how can a property that was included in a County adopted Secondary Plan and which has an open Plan of Subdivision and Official Plan Amendment applications be totally ignored? There is a gross difference in the criteria used in evaluating sites between Fenelon Falls and Bobcaygeon.
8. Given the procedures followed at Committee meetings, we had no opportunity to bring this inconsistency to the Committee's attention. Mr. Webster stood at the podium and tried to get the Mayor's attention but was not allowed to speak given the City's rules of procedure.
9. In mid 2024, we met with senior staff to discuss the status of the Black Bear's applications and were advised not to ask for a Pre-Consultation session on a revised subdivision application and Official Plan Amendment until after the GMS had been adopted by Council.

10. While we appreciate the language used in the GMS document, and the explanations offered by both Director Barrie and Mr. Baksh, we remain unconvinced that the wording of the report does not give Fenelon Trails first option on all of the 38 hectares that can be allocated. Should there be any disagreement in the allocation of areas, you can be sure that Fenelon Trails will cite the GMS as reasons to give them the allocation they have requested.
11. I should also note that if all of the Consultant's recommendations are incorporated into the Official Plan, there will be an additional 13.8 hectares added to the amount of land to be allocated to meet the 2051 requirements for Fenelon Falls. (Please refer to the top of page 128 of the report.)
12. In speaking to delineating the new boundary, the report suggests that the City should sit down with the applicant and sort things out. While some may say the City has not allocated any of the 38 hectares, it is clear from the content of the report that Fenelon Trails will have the first opportunity to have the allocation given to their property.
13. It is for the above noted reasons and Mr. Webster's submission that we urge Council to send the report back to the Consultants so that the intent of the originally adopted 2015 Fenelon Falls Secondary Plan as it applies to the Black Bear property can be reflected in the GMS when it is formally adopted.

The Corporation of the City of Kawartha Lakes

By-Law 2025-

A By-law to Deem Part of a Plan of Subdivision, Previously Registered for Lands Within the City of Kawartha Lakes, Not to Be a Registered Plan of Subdivision in Accordance with the Planning Act, Described as Lots 34-36 Plan 139; Part of Lots 38-39 Plan 139 as in R164037; Kawartha Lakes, being PIN: 63275-0160 (LT) and Lot 37 Plan 139; Kawartha Lakes, being PIN: 63275-0162 (LT)

File No.: L06-23-RS007, respecting Lot 37 on Plan 139

Recitals

1. Section 50(4) of the Planning Act, R.S.O. 1990, c.P.13 authorizes Council to deem any plan of subdivision, or part of a plan of subdivision, that has been registered for eight years or more, not to be a registered plan of subdivision for the purposes of subsection 50(3) of the Planning Act, R.S.O. 1990, c.P.13.
2. Council has been requested to pass a deeming By-Law for the land described in section 2.01 in order to ensure that the City-owned property to be purchased by the property owner merges with the owner's adjacent land.
3. A duplicate of this By-Law shall be registered in the Land Registry Office in accordance with the Planning Act, R.S.O. 1990, c,P.13.
4. Notice of the passing of this By-Law shall be mailed to the owner of the land described in Section 2.01.
5. Council considered it appropriate to enact the requested By-Law.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2025- .

Section 1.00: Definitions and Interpretation

1.01 **Definitions:** In this by-law,

“City”, “City of Kawartha Lakes” or “Kawartha Lakes” means The Corporation of the City of Kawartha Lakes and includes its entire geographic area;

"City Clerk" means the person appointed by Council to carry out the duties of the clerk described in section 228 of the Municipal Act, 2001;

“Council” or “City Council” means the municipal council for the City;

“Manager of Realty Services” means the person who holds that position and his or her delegate(s) or, in the event of organizational changes, another person designated by Council.

- 1.02 **Interpretation Rules:** The words “include” and “including” are not to be read as limiting the meaning of a word or term to the phrases or descriptions that follow.
- 1.03 **Statutes:** References to laws in this by-law are meant to refer to the statutes, as amended from time to time, which are applicable within the Province of Ontario.
- 1.04 **Severability:** If a court or tribunal of competent jurisdiction declares any portion of this by-law to be illegal or unenforceable, that portion of this by-law shall be considered to be severed from the balance of the by-law, which shall continue to operate in full force and effect.

Section 2.00: Details

- 2.01 **Property Affected:** The property affected by this By-Law is legally described as Lots 34-36 Plan 139; Part of Lots 38-39 Plan 139 as in R164037; Kawartha Lakes, being PIN: 63275-0160 (LT) and Lot 37 Plan 139; Kawartha Lakes, being PIN: 63275-0162 (LT).
- 2.02 **Deeming Provision:** The property is deemed not to be part of a Registered Plan of Subdivision for the purposes of subsection 50(3) of the Planning Act, R.S.O. 1990, c.P.13.

Section 3.00: Administration and Effective Date

- 3.01 **Administration of the By-law:** The Manager of Realty Services is responsible for the administration of this by-law.
- 3.02 **Effective Date:** This By-law shall come into force on the date it is finally passed, subject to the provisions of Sections 50(26), 50(28), and 50(29) of the Planning Act R.S.O. 1990, c.P.13.

By-law read a first, second and third time, and finally passed, this 18th day of February, 2025.

Doug Elmslie, Mayor

Cathie Ritchie, City Clerk