



**The Clerks  
Division**

# Memo

To: Council  
From: Sarah Brislin, Committee Services Coordinator  
C.C.: John Espinosa, Town Clerk  
Date: 30/11/2016  
Re: Lake Drive Shoreline Jurisdiction Ad-Hoc Advisory Committee Update

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On November 22, 2016, Council requested an update regarding the Lake Drive Shoreline Jurisdiction Ad-Hoc Advisory Committee (the "Committee") in response Committee Resolution No. 2016-0040, a resolution requesting a Sub-Committee of three members including staff support.

Enclosed for Council's receipt are the Lake Drive Shoreline Jurisdiction Ad-Hoc Advisory Committee Terms of Reference and the Committee minutes from all meetings to date.

Please note the most recent minutes, from the November 8, 2016, meeting provided are the un-adopted draft minutes.

Thank you.

**TOWN OF GEORGINA  
Lake Drive- Shoreline Jurisdiction Ad Hoc Committee**

**TERMS OF REFERENCE**

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**1. Purpose**

Provide information and assistance in the drafting of a comprehensive policy for submission to Council with respect to the use of Town road allowance in the area of the Lake Drive North and East shoreline.

**2. Meetings**

- i. The Committee shall meet as required throughout the year.
- ii. Quorum for the Committee shall be the majority of the appointed membership (50% plus 1 or round up to nearest whole number).
- iii. Members of the Committee who are unable to attend a regular meeting are required to report their absence prior to the meeting date and/or time.
- iv. A member shall not be absent for three (3) consecutive meetings without notice. For any anticipated lengthy absence (3 meetings or more), the member shall submit a request for leave of absence in order to preserve membership standing. Without a valid and acceptable reason, the individual's appointment to the Committee will be rescinded.

**3. Agenda**

The Agenda of the Committee may contain the following items:

1. **Call To Order**
2. **Approve/Amend Agenda**
3. **Declaration of Pecuniary Interest**
4. **Deputations/Presentations** if required
5. **Adoption of Minutes**
6. **Unfinished Business**
7. **New Business**
8. **Correspondence**
9. **Information** Next meeting date: \_\_\_\_\_
10. **Adjournment**

**4. Responsibilities**

The Committee will elect and appoint a Chair and Vice Chair, and shall:

- i. Draft formal policy, for recommendation to Council, pertaining to acceptable use of Town road allowance in the area of the North and East shoreline of Lake Drive.
- ii. Ensure such draft policy:
  - Provides for continued exclusive use of the road allowance abutting the Lake Simcoe shoreline by indirect lake front property owners.
  - Establishes standards for reasonable use of, maintenance of, and improvements on the road allowance.
  - Addresses liability issues associated with the use of the Town road allowance.
  - Ensures protection of shoreline aesthetics/vision of the lake front.
  - Examines the limits of the Lake Drive road allowance.
  - Examines options for formalizing the use of the road allowance by the indirect lake front property owners.
  - Ensures the protection of the environment.
  - Ensures the protection of the health, safety and wellbeing of person using the road allowance.
  - Ensures the protection of the integrity of the travelled portion of the road allowance.

## **5. Reporting and Recommendations to Town Council**

- i. When requiring a matter to be considered or a decision of Council, the Committee shall make recommendations to Council, by reporting in a report format to include:
  - background information to be a brief synopsis or history of the issue
  - options for consideration to include financial and policy implications
  - a recommendation for Council's consideration
- ii. The report will be separate from the Minutes. However, information in the minutes pertinent to the recommendation will be summarized in the report to Council.
- iii. Reports for consideration to Council shall be provided to the Clerk for processing.
- iv. Should the Committee wish to provide a deputation to Council, a request shall be made in writing through the Clerk's office.

## **6. Membership**

- i. Appointed by Council, the Committee shall consist of:
  - Mayor Quirk, Councillor Fellini and Councillor Neeson
  - Residents Alan Direnfeld, Susan Jagminas, Peter Stevens and Deyril Blanchard
  - Eastbourne resident representative Carr Hatch
  - One (1) to three (3) citizen appointments
- ii. Resignations from the Committee must be in writing to the Committee and Council.

## **7. Length of Term/Vacancies**

- i. The Committee shall be appointed until the submission of a comprehensive report and recommendations to Council.
- ii. Recognizing that vacancies may arise, Council will request submissions from the public and will appoint citizens to fill such vacancies.

## **8. Member in Good Standing**

The rules governing the procedure of Council and the conduct of members shall be observed by this Committee. All members should reflect appropriate conduct when attending meetings and/or representing the Georgina Shoreline Jurisdiction Ad Hoc Committee in public.

### *Consequences:*

Upon any infraction of the above (which infers a negative impact upon the effectiveness of the Committee's work), a member can be put on probation for a two-meeting period with a letter from the Chair and/or a vote from members. If the conduct of the member continues to impact negatively upon the Committee's work, during and following the probation, then the Committee may make recommendation to Council to remove the member from the Committee.

## **9. Use of Town Logo/Letterhead**

- i. The Committee has the ability to draft correspondence and make contacts with external organizations/individuals to solicit information to/from the public, to carry out its mandate. However, the nature and information shall not significantly bind the Municipality and shall be approved by the Communications Coordinator.

- ii. The Committee shall adhere to the Town logo policy in carrying out the mandate of the Committee.

#### **10. Authority**

- i. The Committee shall work within the scope of their responsibilities as set out in this Terms of Reference.
- ii. The Committee has no decision-making authority. Recommendations to Council in the form of resolutions are required.
- iii. Any information or action that binds the Corporation will require Council's approval.

#### **11. Confidentiality**

The *Municipal Act* shall bind the members of the Committee as it relates to confidentiality, conflict of interest, closed sessions, and any other requirements under the Act, which pertain to the conduct of officials.

#### **12. Procedural By-law**

The rules and regulations contained in the procedural by-law shall be observed in all proceedings of the Committee and shall be the rules and regulations of the dispatch of business by the Committee.

**Town of Georgina  
Lake Drive Shoreline Jurisdiction Ad Hoc Committee**

**COMMITTEE MINUTES**

Tuesday February 9, 2016  
6:30 PM

1. CALL TO ORDER

The meeting was called to order by John Espinosa, Town Clerk, at 6:33 PM

2. ROLL CALL

The following Committee members were present:

Alan Direnfeld  
Carr Hatch  
Cathy Hasted (arrived at 6:51 PM)  
Councillor Dan Fellini  
Councillor Dave Neeson  
Deyril Blanchard  
Mayor Margaret Quirk  
Peter Stevens  
Susan Jagminas  
Terry Holgate

The following Staff members were in attendance:

John Espinosa, Town Clerk  
Rod Larmer, Manager of Building/Chief Building Official, Building Division  
Andrew Biggart, Town Solicitor  
Winanne Grant, Chief Administrative Officer  
Harold Lenters, Director, Planning & Building, Planning & Building Department  
Sarah Brislin, Committee Services Coordinator

The following Committee member was absent with regrets:

David Szollosy

3. INTRODUCTIONS

Committee members and staff introduced themselves.

4. ORIENTATION OVERVIEW

(1) Lake Drive Shoreline Jurisdiction Ad Hoc Committee Terms of Reference

- (2) John Espinosa, Town Clerk, stated the purpose of the Committee as it is written in the Committee's Terms of Reference:

To provide information and assistance in the drafting of a comprehensive policy for submission to Council with respect to the use of Town road allowance in the area of the Lake Drive North and East shoreline.

- (3) Town of Georgina Procedural By-law  
(4) Town of Georgina Code of Conduct  
(5) Town of Georgina Smoke-Free Workplace Policy  
(6) Town of Georgina Violence and Harassment Policy  
(7) Accessible Customer Service and IASR Volunteer Policy

The Committee was advised the Accessible Customer Service and IASR Volunteer Policy must be read, and that the page 95 needs to be signed and returned once read.

- (8) Ontario Sunshine Law Handbook

The Committee was asked to take the orientation material home and review before the next meeting.

## 5. ELECTION OF CHAIR AND VICE CHAIR

John Espinosa, Town Clerk, called for nominations of the Chair. Member Alan Drenfeld offered a nomination for member Deyril Blanchard. Deyril Blanchard accepted the nomination.

John Espinosa, Town Clerk, called for additional nominations. No additional nominations were received. John Espinosa, Town Clerk, declared Deyril Blanchard the Chair by way of acclamation.

John Espinosa, Town Clerk, called for nominations of the Vice Chair. Chair Deyril Blanchard offered a nomination for Susan Jagminas. Susan Jagminas accepted the nomination.

John Espinosa, Town Clerk, called for additional nominations. No additional nominations were received. John Espinosa, Town Clerk, declared Susan Jagminas the Vice Chair by way of acclamation.

Deyril Blanchard, Chair, assumed the duties of presiding officer.

6. INTRODUCTIONS OF ADDENDUM ITEM(S)

The Chair, asked staff if there were any addendum items.

John Espinosa, Town Clerk, advised that there were none.

Winanne Grant, Chief Administrative Officer, explained that addendum items on the agenda are additions after an agenda has been issued.

The Chair asked if anyone had any additions before proceeding. Broadening the scope of the Terms of Reference ("TOR") was suggested.

Winanne Grant remarked that a discussion of the TOR would be beyond the mandate of the Committee, and that broadening the Terms of Reference would fall under Council's jurisdiction. She explained that the addendum items may be issued after the agenda is published as an addition to the agenda. It was clarified that it is in the interest of public awareness, that addendum items be added only when information is necessary and pertinent. Winanne recommended members (when faced with requesting addendums) consider rather than requesting addendums, refer that item to a future agenda.

Winanne clarified with respect to the Committee's purpose and mandate that agenda item 10(1) (Development of Issues List) would offer the Committee an opportunity to discuss identify the issues and outcomes that the Committee is hoping to achieve.

Inquiry as to whether Committee members could suggest changes to the TOR. Winanne, advised that this Committee doesn't have a mandate to be discussing the Terms of reference they have a mandate to be enacting the terms

7. APPROVAL OF AGENDA

Moved by Margaret Quirk, Seconded by Peter Stevens

**RESOLUTION NO. LDSJAHC-2016-0001**

That the agenda for the Lake Drive Shoreline Jurisdiction Ad Hoc Committee meeting held on February 9, 2016, be approved as presented.

**Carried.**

8. DECLARATIONS OF PECUNIARY INTEREST AND GENERAL NATURE THEREOF – *None*

Andrew Biggart, Town Solicitor, advised that in his legal opinion members who live on Lake Drive do not have a conflict of interest because Council will be the



final determiner of outcomes. Members who live on Lake Drive are representative of residents living on Lake Drive who are effected by the same concerns.

Councillor Neeson inquired of Mr. Biggart if it would not be prudent for the Committee members, Councillors or otherwise to disclose their addresses as a matter of public interest. Mr. Biggart advised that it was not necessary.

9. ADOPTION OF MINUTES – *None*

10. CONSIDERATION OF REPORTS ON THE AGENDA

(1) Development of Issues List – group discussion

Winanne Grant, Chief Administrative Officer, advised that the Issues List was to be developed from a group discussion involving:

- experiences
- quandaries
- difficulties
- what is clear
- what is unclear
- what needs to be dealt with and,
- what needs to be prioritized.

The following issues were discussed at this time:

**Main Issue(s)**

**Discussion**

**Ownership**

**Exclusive use**

- Owners acquiring portion of property owned by the Town – A policy to allow ownership of abutting property.
- People accessing private docks via Town property.
- Owners facing difficulties with insure their dock because the Town owns the adjoining land.
- Conveyance of property for nominal cost as it is currently occupied. Benefit would be the ownership is recognized and properly documented.
- Identify what portion on the lakeside can be sold.

**Liability/ Indemnification**

- For the Town because the public using the Town-owned property.
- Suggestion that transferring ownership will eliminate the liability for the Town.
- For the abutting owners, difficulties insuring docks.
- If there is a lawsuit and the Town is an owner of the property than the Town may be liable, regardless of if it is tenanted or there is an exclusive use agreement.
- There are more hazards on the shoreline side of the road than the other side so the Town is not concerned about the liability on the other side of the road allowance.

### **Road Allowance**

- The shoulder of the road on the lake side, who owns it, and what should be allowed to be built on it.
- Suggestion: the road allowance should be a consistent figure
- Suggestion: a straight forward standard distance.
- Suggestion: travel portion plus 1.5 meters on either side.
- Staff clarified the mandate of the Committee is dealing with the road allowance owned by the Town, and not the properties the Town views as legitimately privately owned. Question – can road allowance be changed?

Will value change if owned?

**What is Clear** - Pg. 2 bullet # 1 of Terms of Reference states:

i. Draft formal policy, for recommendation to Council, pertaining to acceptable use of Town road allowance in the area of the North and East shoreline of Lake Drive.

ii. Ensure such draft policy:

- Provides for continued exclusive use of the road allowance abutting the Lake Simcoe shoreline by indirect lake front property owners.

Dealing with lakeside road allowance as per TOR, not the east and south side road allowances which are required for access to infrastructure and municipal maintenance activities. That road allowance is there to allow the municipality access to utilities. The Shoreline is a unique situation.

Raised - East of Dalton Rd. around Mossington Bridge, the road allowance is 39 ft.

A road allowance is not only in case the municipality wants to widen the road (i.e. situation a couple of years ago where lost part of road to erosion and needed access to the road allowance to preform repairs.

### **What is Unclear**

**Taxes** - Are they higher for lakefront ownership versus Lakefront vista or the same?

- Owners on lakefront would like to own the lakefront
- Exclusive use – Council cannot be bound by future Council. Mr. Biggart clarified that a lease falls under contract law and is a binding contract and prevents unilateral action in the future.
- Belief that the value of property will increase if it is purchased, meaning taxes would increase versus the fact that property has been bought and sold for years with the assumption that the lakefront is part of the sale. Therefore, the value is included in those transactions which means taxes wouldn't change.

If conveyance of the lake strip property is an option, there could be potential for some owners wanting to purchase and other owners who do not want to purchase. Is there a problem: If some people own and others lease and some do not if becomes a jagged edge – concern at Council. As long as it is clear who owns it.

### **Allowable Uses**

**Influx of applications**, concerns that there is going to be a rush of applications. Residents, may believe when hearing that there is a policy being implemented will want to try and get out in front of it and get their applications in before a policy is established. Staff advised there is already increased inquiries and activities.

Interim Control By-law (ICB) – To prevent development while the Committee works on their mandate. Suggested by staff that and ICB if recommended should be unanimous decision. Requires a study to be completed within a year (there is also a possibility of one extension if required). Ownership becomes a non-issue because there is a by-law to ensure construction is stopped. If the ICB is ignored, the Town could get a court order to make owners stop building and take down structure right away. It would be a publicly declared pause.

Special provisions for notifying residents. There would need to be a discussion of what public notification is wanted.

An ICB can also be clarified to control certain aspects, the example used would be limiting structures to a certain size.

Current situation where the Town's rights are being challenged, there is the potential that challenge will take the Town to court. There is that extent of pushback of interpretation of who has control over the lands. Rather than getting to Court the Town would like to have a cooperative plan.

The challenges to ownership of property present challenges to staff when issuing a building permit. Without a policy limiting the allowable uses the town does not have a right to turn down owners applying for a building permit to build on their property, assuming it meets the code and current zoning standards. For properties where ownership is being challenged declining a building permit could mean court where as an ICB if challenged would be at the OMB rather than court and is less likely to be challenged as they are harder to challenge.

A policy will establish good will.

Are there alternative options to ICB? Why an ICB and not a By-law? And ICB stops temporarily. A regular by-law could be appealed and takes much longer to put in place. An ICB can be appealed on the basis of whether there is validity and is harder to challenge.

Optics- An ICB, how does it look if one of the first recommendations of the Committee is to stop all development on Lake Drive?

Staff clarified that the Operations Department is getting a lot of inquiries and need something in place.

Length of time required for Committee to achieve their mandate.

What can and cannot be built while a solution to Ownership issues is being worked on

The Need for a Town policy – Staff currently making decisions without direction. Staff need to know the appropriate use of land, encroachments, uses, fences, hedges, setbacks. Needs to be resolved regardless of who owns it.

What's appropriate in terms of new uses and what to do with existing uses (allowing expansion or not).

Legislative frame work – Jurisdiction of Ministry of Natural Resources and Lake Simcoe Region Conservation Authority.

## Committee

Question was raised about open meetings and the ability for members to share information with people outside of the meeting. Whether additional outside meetings could be illegal "meetings."

Andrew Biggard offered that that members are able to share the information but without a resolution, the person conveying the message should be clear if they are relating perceptions and an individual opinion- not a reflection of the Committee's position or work. .

Committee can't direct staff- members vote on motions, not staff actions.

Committee is here to work together.

Importance of staying on track to come to a mutual solution. Not meant to be confrontational.

### Mandate

- Terms of reference
- East and North side of Lake Drive.

Question raised regarding the process, can there be parallel process/discussion with the policy and ownership issue? Can staff work on the ICB while the Committee works on the Ownership issue?

It was clarified that staff could make the recommendation for the ICB themselves that it doesn't have to be a recommendation of the Committee. There can be varying degrees of what the Committee's involvement could be- from recommending to not being in support, or to be supportive of, rather than recommending.

Staff clarified that they are suggesting options because it is unknown what that the position of Committee members is and what preferred action is.

Rumours

Report No. OED-2015-0025 belief that Town is looking to develop the land. Staff reiterated that the report came out because there is no allowable uses policy to deal with development inquiries.

Moved by Peter Stevens, Seconded by Alan Dierenfeld

**RESOLUTION NO. LDSJAHC-2016-0002**

That the Committee support the staff idea of a pause in the form of an Interim Control By-Law to provide space for the work by the Committee on the Terms of Reference.

Discussion:

Clarified the motion is not saying you agree with the report it is just approving a report being made.

Winanne Grant suggested that staff report back with options.

That a recommendation be made to staff requesting the preparation of the report on the advisability of implementing an interim Control By-Law or other mechanisms as an alternative.

That LDSJAHC recommend that staff are requested to prepare a report on the advisability of implementing an interim Control By-Law or other similar mechanisms

Andrew Biggart suggested that motion should identify the general area that the ICB would apply to.

Discussion of whether it is better to have staff make a recommendation and report absent of the Committee involvement,

Staff and the Committee clarified the motion under consideration. John Espinosa, Town Clerk, requested the mover and the seconder to approve the discussed amendments. The mover and seconder agreed to the amendments.

Moved by Peter Stevens, Seconded by Alan Dierenfeld

**RESOLUTION NO. LDSJAHC-2016-0002**

That Lake Drive Shoreline Jurisdiction Ad-Hoc Committee recommend that staff be requested to prepare a report on the advisability of implementing an Interim Control By-Law or other similar mechanisms with respect to road allowance development to allow the Lake Drive Shoreline Jurisdiction Ad-Hoc Committee time to work on its mandate.

**Carried.**

**RESOLUTION NO. LDSJAHC-2016-0003**

Moved by Peter Stevens, Seconded by Dave Neeson

That the Committee request staff input to the Committee at the next meeting on the Town's view of the hurdles to ownership.

Discussion:

Allan Direnfeld offered a friendly amendment. Point of Order raised by Councillor Neeson with respect to an improper motion because the North and East side of road allowance is beyond the Committee's mandate. After Committee consideration, the original motion was withdrawn by Peter Stevens.

Moved by Alan Direnfeld, Seconded by Peter Stevens

**RESOLUTION NO. LDSJAHC-2016-0003**

That the Lake Drive Shoreline Jurisdiction Ad-Hoc Committee recommend that a report be obtained from staff and delivered to this Committee with respect to the granting of exclusive use including by way of transfer of ownership, granting of a license, and/or leasing of portions of the Lake Drive shoreline road allowance to abutting land owners.

**Carried.**

11. **COMMUNICATIONS**

- (1) Report No. OED-2015-0025 dated July 14, 2015 re LAKE DRIVE North and East - Policy re Shoreline Development

The Committee was advised this report was added to the agenda as information for the Committee members.

Moved by Peter Stevens, Seconded by Councillor Dave Neeson

**RESOLUTION NO. LDSJAHC-2016-0004**

That Report No. OED-2015-0025 (LAKE DRIVE North and East- Policy re Shoreline Development) be received by the Shoreline Jurisdiction Ad-Hoc Committee.

**Carried.**

12. OTHER BUSINESS

(1) Next Meeting

The Committee discussed potential dates for coming meetings and whether they wanted reports to come back at the same meeting or two separate meetings. It was determined that the Interim Control By-law would come back to the next meeting and the second report would come the second night.

It was determined that March 29, 2016, would be the next meeting to discuss the report expected from staff regarding the Interim Control By-Law.

A Lake Drive Shoreline Jurisdiction Ad Hoc Committee meeting was scheduled for April 19, 2016, to discuss the report expected from staff regarding transfer of title, ownership, licensing and leasing options.

The Committee agreed to continue with the 6:30 p.m. start time.

The Committee discussed requesting that the Operations Department present a Road Allowance 101 presentation at a subsequent meeting as well as having Rob Baldwin from the Lake Simcoe Region Conservation Authority (LSRCA) attend the next meetings to sit as in an advisory capacity regarding LSRCA and Ministry of Natural Resources legislation and jurisdiction.

Committee discussed the example of Innisfil where owners can buy their road allowance.

Concerns were raised that the ownership issue needs to remain front and center

13. MOTION TO ADJOURN

Moved by Mayor Margaret Quick, Seconded by Councillor Dan Fellini

**RESOLUTION NO. LDSJAHC-2016-0005**

That the Lake Drive Shoreline Jurisdiction Ad Hoc Committee February 9, 2016 meeting be adjourned at 9:33 p.m.



**Carried.**



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**Deyril Blanchard**  
**Chair**



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**Sarah Brislin, Committee**  
**Services Coordinator**

**Town of Georgina  
Lake Drive Shoreline Jurisdiction Ad Hoc Committee  
COMMITTEE MINUTES**

Tuesday, March 29, 2016  
6:30 PM  
Committee Room- Civic Centre

1. CALL TO ORDER

The meeting was called to order at 6:34 PM.

2. ROLL CALL

The following Committee members were present:

Alan Direnfeld  
David Szollosy  
Cathy Hasted  
Councillor Dan Fellini  
Councillor Dave Neeson  
Deyril Blanchard  
Mayor Margaret Quirk  
Peter Stevens  
Susan Jagminas  
Terry Holgate

The following Committee member was absent with regrets:

Carr Hatch

The following Staff members were in attendance:

Winanne Grant, Chief Administrative Officer  
Harold Lenters, Director, Planning & Building  
Dan Pisani, Director of Infrastructure and Operations  
Andrew Biggart, Town Solicitor  
Bob Fortier, Manager of Capital Projects  
David Scherbarth, Operations Assistant  
John Espinosa, Town Clerk  
Sarah Brislin, Committee Services Coordinator

3. INTRODUCTIONS OF ADDENDUM ITEM(S) - *None*

4. APPROVAL OF AGENDA

Moved by Susan Jagminas, Seconded by Councillor Dave Neeson

**RESOLUTION NO. LDSJAHC-2016-0006**

March 29, 2016

That the agenda for the Lake Drive Shoreline Jurisdiction Ad Hoc Committee meeting held on March 29, 2016, be approved as presented.

**Carried.**

5. DECLARATIONS OF PECUNIARY INTEREST AND GENERAL NATURE THEREOF - *None*
6. ADOPTION OF MINUTES
  - (1) Minutes of the meeting held on February 9, 2016.

The Committee discussed the minutes of the previous meeting (February 9, 2016) and clarification was provided for the following points:

- Where the minutes state the distance of the road allowance on either side being 33 feet Bob Fortier, Manager of Capital Projects, advised the distance of the road allowance is not the same in all areas.
- That the discussion beginning on page 4 details what issues are to be considered by the Committee, and it does not reflect any decisions made by the Committee.
- On page 4 under the heading *Ownership – Liability/Indemnification* the public refers to the general public.
- On page 6 the statement “Belief that the value of property will increase if it is purchased, meaning taxes would increase versus the fact that property has been bought and sold for years with the assumption that the lakefront is part of the sale. Therefore, the value is included in those transactions which means taxes wouldn’t change” reflects two schools of thought:
  1. The concern that the value of property will go up, if the road allowance is conveyed to the abutting owners, meaning the property taxes would increase.
  2. That the property value will not increase, and the taxes will stay the same.
- That the interpretation of the statement on page 9 “For properties where ownership is being challenged declining a building permit could mean court whereas an ICB if challenged would be at the OMB rather than court and is less likely to be challenged as they are harder to challenge” refers to the difficulty of challenging a regular By-law versus the difficulty of challenging an interim control By-law and that the Committee was advised that it is harder to challenge an Interim Control By-law (ICB) which would go through the OMB rather than a regular By-law which would go through the court system.

The Committee requested Staff provide details regarding the increased inquiries and requests in relation to shoreline development applications. Specifically, it was suggested that Staff provides a listing of activities going back the last couple of months to see the reported increase and types of inquiries that are being received.

Moved by Susan Jagminas, Seconded by Peter Stevens

#### **RESOLUTION NO. LDSJAHC-2016-0007**

That the minutes of the Lake Drive Shoreline Jurisdiction Ad Hoc Committee meeting held on February 9, 2016, be approved with the following amendments:

1. The information on page 5, second paragraph down stating the road allowance is 33 feet on either side of the road be removed.
2. That the *Roll Call* reflect that member David Szollosy was absent with regrets.
3. That the statement on page 5, "Dealing with lakeside road allowance as per TOR, not the east and north side road allowances" be changed to reflect the correct direction of "east and south side road allowances."
4. That the statement on page 6, "As long as it is clear who ones it" be corrected to state "As long as it is clear who owns it."
5. That the part of the sentence on page 5 stating, "if... the Town is an owner of the property than it are liable" be corrected to state "if... the Town is an owner of the property than the Town may be liable."
6. At the top of page 7, a correction be made to the sentence "It would be a publicly declared paused" to read "It would be a publicly declared pause."

**Carried.**

#### 7. PRESENTATIONS

- (1) Staff presentation: Road Allowance Education.

Bob Fortier, provided a summary of his role as Manager of Capital Projects and his experience as it relates to the issue of ownership and development on the shoreline. He summarized the study conducted by Rusty Russell in relation to the shoreline development and road allowances noting:

- The study indicates that some lands on water side of travelled portion of road had been surveyed and conveyed incorrectly.

March 29, 2016

- The high-water mark is shown on old registered plans and may show limit of road allowance (Rusty Russell Study).
- The distance of the road allowance to the shoreline varies, partly because of the change in water levels over the years (accretion).

Harold Lenters, clarified development on the water abutting Town owned land becomes a problem and, as an example, referenced an application of an owner wanting to repair an old boat house. The owner received the necessary approvals from the Ministry of Natural Resources (which has jurisdiction over Lake Simcoe) but also needed permission from the Town to build the dock connecting to the land owned by the Town. Currently, there is no policy giving Staff direction from Council to handle these types of requests. In the absence of such a policy, each request should be individually directed to Council. Staff suggest that this is an onerous process, and policy would alleviate the confusion and allow Staff the authority to make consistent decisions.

The following was clarified for the Committee:

- The high-water mark is a moving target, and that other municipalities that have conveyed land using the high-water mark have had the owners submit surveys done by an Ontario Land Surveyor (OLS) showing the high-water elevation at the time of the agreement.
- The boundaries in the water had been defined by elevation rather than distance from the front of the property to the back of the property.
- The Rusty Russell report provides the principle of the high-water mark it does not provide a definitive measurement of all properties along the shoreline.
- Some properties were incorrectly conveyed
- It was assumed that if there was a PIN it was a separately owned parcel.

The Committee requested Staff investigate the means to find the record of the high-water mark.

Staff responded by saying this could not be done. The relevance of the high-watermark is the principle used by Rusty Russell in his study.

Harold Lenters, advised he believes the reference plans state 'to the shoreline' in relation to any confusion about whether the road allowance has precedence over the high water mark. It was also explained that there are properties with reference plans showing ownership up to the shoreline and lake.

Moved by Susan Jagminas, Seconded by David Szollosy

**RESOLUTION NO. LDSJAH-2016-0008**

That the Lake Drive Shoreline Jurisdiction Ad-hoc Committee receive item 7(1), the Staff presentation on Road Allowance Education.

**Carried.**

The Committee asked for a summary of the presentation to be provided in the minutes. Dan Pisani, Director of Infrastructure and Operations, advised he had a power point he could share.

Further to the Committee's request, Winanne Grant advised she would find the handout that the previous Town Solicitor, Mike Bigoni, provided. It was noted that the handout was given to Council in a Closed Session meeting. Andrew Biggart, Town Solicitor, offered to review the handout to ensure attorney-client privilege would not be violated and only what can be shared publicly is shared.

It was suggested that at this point that what has been accomplished is issue identification ( A list of what needs to be done) on a global basis and on a site by site (lot by lot basis).

The Committee identified a new issue to be added to the list, defining the shoreline road allowance (it had been explained earlier that it varies along the shoreline). Winanne Grant, suggested there may be a need to determine if the road allowance starts at the high water mark or if it is a distance measured from the travelled road outwards. The Committee questioned whether the first step would be to identify a road allowance and identified the Boundaries Act Plan as a potential solution. It was also clarified that creating a new road allowance to simplify the problem is a possibility.

In response to the discussion, Andrew Biggart, Town Solicitor, advised it is possible but not the only option but that adding that an Interim Control By-law would provide the pause (on development) needed to apply that option.

Winanne Grant, suggested that a fulsome report should come to the Committee and include several options.

**8. CONSIDERATION OF REPORTS ON THE AGENDA**

**(1) Draft Issues List**

The list provided in the agenda was created by some of the voting Committee members and was reportedly based on the list circulated by Staff. Staff requested time to compare the lists and bring back for review.

Moved by Mayor Margaret Quirk, Seconded by Councillor Dan Fellini

**RESOLUTION NO. LDSJAHC-2016-0009**

March 29, 2016

That the Lake Drive Shoreline Jurisdiction Ad-hoc Committee refer the Draft Issues List back to Staff for further review.

**Carried.**

(2) Report on Interim Control By-law

Harold Lenters summarized under the Planning Act, the Town could pass an Interim Control By-law (ICB), and the intent of the By-law would apply to the road allowance. The road allowance can be defined if one goes through every plan; you are left with a composite Map (of Lake Drive North and East). The principle idea behind the report is that the ICB would cover the road allowance along the shoreline and prohibit development activity (temporarily). The intent was explained not to be too restrictive. Harold Lenters reviewed the 5 recommended provisions for the ICB that were outlined in the Report.

The Committee and Staff discussed the details and possible outcomes of an ICB dealing with development on Lake Drive Shoreline. Consideration was given to the following:

- Potential public perceptions:
  - Reactions to previous ICBs in place
  - Anxiety in the public and concerns that this could become a permanent rule.
  - Illustration of the Town and the Committee's commitment to solving the current issues.
  - Public concerns that the Town is trying to assert its ownership
  - The length of time the ICB is in place having an impact on the perceptions of members of the public.
- Any activity that has begun in anticipation of a restrictive policy (By-law)
- If there were possible restrictions to the rehabilitation of existing structures
- The alternative option to an interim policy (as opposed to an ICB):
  - Challengeable through courts
  - Harder to enforce
  - May send a more positive message
  - Option to try it and implement an ICB if the interim policy doesn't work
- How the absence of policy for development on the shoreline impacts the issue of ownership:
  - The potential for expensive court cases and litigation
  - Would stand notwithstanding certainty of ownership ( ICB would not apply to private owners)
  - Potential safety concerns

- Enforcement concerns
- The ability of the ICB provisions to be applied regardless of the ownership issues.
- The current inability to issue permits without a policy in situations where private owners own a water lots abutting the Town land and they would like to build a dock adjoining the Town owned shoreline.
- Whether the OMB would question or support the reasoning behind an ICB, should there be an appeal.
- The process and expected length of time for an OMB appeal versus a court case for a regular By-law (interim policy).
- Why the Zoning By-law doesn't apply:
  - Private ownership
  - Town owned land
- Whether or not ownership would be an issue with or without an ICB in place.
  - A concern was raised that people would think they could have built on land in the absence of an ICB when they actually may not be able to (If it is Town owned land) regardless of the ICB
- Potential of litigation (in absence of and ICB or Policy):
  - The belief that the ICB would withstand litigation challenges (in regards to ownership and development).
  - One case could set a precedence and then limit the municipality and Committee to work on a co-operative solution.
  - Litigation being adversarial and costly
  - An ICB offering the Committee and Council an opportunity to work on a co-operative solution.
- Whether or not an ICB should only apply to privately owned land since people can't build on Town owned land anyway:
  - The discrepancies between the Town and some owners of who owns the land being the reason for applying the ICB across the board.
- Concern that Staff are acting in a policy void (taking on a role beyond their mandate).
- It was suggested that some people are already under the impression there is a freeze and that these people are constructing without a permit anyway. It was asked if the ICB would have any 'teeth' to it.



March 29, 2016

- It was clarified that the ICB would have more 'weight' (in terms of the Town's ability to enforce) than an interim policy.
- It was explained that Staff does not require the Committee's endorsement of the ICB in order to present the report to Council but is trying to achieve a collective solution.
- The steps involved in implementing an ICB:
  - Process is relatively quick
  - Does not require notice or hearing
  - To be in place for 1 year (2 years if an extension is required).
- The implementation being sudden and not offering public consultation or input:
  - How to communicate with residents, so they are aware of what happening
  - Being clear about what is allowed under and ICB
  - Showing that we (the Committee) are committed to a collective solution.
  - Having a clear communication plan
  - The idea of communicating with the outside group to test how the idea will be received
  - The importance of communicating and disseminating information and focusing on the 5 points.
  - Not making it difficult and convoluted; announcing that this (The ICB) is one of the steps that needs to be taken.
- Whether the road allowance needs to be addressed first:
  - Determining a consistent road allowance
  - Defining the road allowance as travelled road to the water's edge
- Encroachment agreements would not be superseded by the ICB
- Allowing for all repairs to existing structures
- Clarification of the mandate under the Committee's Terms of Reference:
  - Exclusive use
  - Policy for what can be built.

The Committee discussed taking the least inflammatory approach and reviewed with Staff the 5 recommended provisions outlined in the report.

1. Fences
2. Landscaping

It was clarified that the reason for not including lineal foliage was that it would be difficult to enforce. Worst case scenario is that the owners would have to leave it as it is. It was also clarified that the provision was related to protecting views. The intent is, that if a large cedar hedge shows up, the ICB will allow the Town to remedy the situation.

3. Retaining Walls and Grading

The wording of the provision was discussed. 0.6 meters measured above grade was suggested as a more suitable phrasing for the limit under the *Retaining Walls and Grading* provision.

4. Water and Sewer Services Laterals

It was noted that adding water and sewer service laterals is contrary to the Lake Simcoe Protection Plan

5. Rehabilitation and Renovation of Existing Buildings and Structures on, or partially on, the Road Allowance

The Committee discussed the need for renovations and rehabilitation. It was suggested that the following be extracted from the Report:

“but only to the extent that it does not involve the requirement for a building permit (this blanket building permit restriction... so to speak through the interim control bylaw).”

The following was clarified:

- What can and cannot be done on the lake is a separate issue.
- While the ICB is in place, the 5<sup>th</sup> provision would prevent the construction of docks that would be connected to the Town's property.
- There are rules in place (Zoning By-law) for the land between the road allowance and water (private land).

Moved by Susan Jagminas, Seconded by Councillor Dan Fellini

**RESOLUTION NO. LDSJAHC-2016-0010**

That the Lake Drive Shoreline Jurisdiction Ad-hoc Committee approve as amended, item 8(2), Report on Interim Control By-law.

**Carried.**

**Note: The Committee requested the amended draft come back for review before going to Council.**

March 29, 2016

9. COMMUNICATIONS

(1) Procedural By-law approved by Council March 2, 2016.

Moved by David Szollosy, Seconded by Peter Stevens

**RESOLUTION NO. LDSJAHC-2016-0011**

That the Lake Drive Shoreline Jurisdiction Ad-hoc Committee receive item 9(1), Procedural By-law (approved by Council March 2, 2016).

**Carried.**

10. OTHER BUSINESS

(1) Communication Protocols

Winanne Grant, opened the floor for a discussion regarding the understanding of the communication protocols. The Committee discussed the following:

- The importance of joint efforts and demonstrating consensus.
- Communications to the public regarding the Committee's actions being a joint effort.
- Being deliberate
- Being minimalistic in relation to the Interim Control By-law until complete details and information become available.
- Creating a fact sheet to disseminate information consistently.
- In the meantime (until an ICB is passed) Staff will not process any applications

(2) Next Meeting: April 19, 2016 at 6:30 PM

The Committee suggested setting the following meeting dates:

- May 17, 2016,
- June 14, 2016

Staff were in agreement with the dates and a start time of 6:30 PM, with a commitment to adjourning by 9:00 PM.

11. MOTION TO ADJOURN

Moved by Peter Stevens, Seconded by Councillor Dan Fellini

**RESOLUTION NO. LDSJAHC-2016-0010**

That the Lake Drive Shoreline Jurisdiction Ad-hoc Committee March 29, 2016, meeting be adjourned at 9:29 PM.

**Carried.**



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Deyril Blanchard  
Chair



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C. Sarah A. Brislin  
Committee Services Coordinator

**Town of Georgina  
Lake Drive Shoreline Jurisdiction Ad Hoc Committee  
COMMITTEE MINUTES**

Tuesday, April 19, 2016  
6:30 PM  
Council Chambers- Civic Centre

1. CALL TO ORDER

The meeting was called to order at 6:32 PM.

2. ROLL CALL

The following Committee members were present:

Alan Direnfeld  
David Szollosy  
Cathy Hasted  
Councillor Dan Fellini  
Councillor Dave Neeson  
Deyril Blanchard  
Mayor Margaret Quirk  
Susan Jagminas  
Carr Hatch

The following Committee member was absent with regrets:  
Peter Stevens

The following Committee member was absent:  
Terry Holgate

The following Staff members were in attendance:

Winanne Grant, Chief Administrative Officer  
Harold Lenters, Director, Planning & Building  
Dan Pisani, Director of Infrastructure and Operations  
Andrew Biggart, Town Solicitor  
Rod Larmer, Manager of Building and Chief Building Official  
Bob Fortier, Manager of Capital Projects  
Sarah Brislin, Committee Services Coordinator

3. INTRODUCTIONS OF ADDENDUM ITEM(S)

- (1) Draft Interim Control By-law, Lake Dr. North and East Road Allowance and Water/Lakebed of Lake Simcoe attachment

Moved by Susan Jagminas, Seconded by Councillor Dan Fellini

**RESOLUTION NO. LDSJAHC-2016-0011**

That the Draft Interim Control By-law, Lake Dr. North and East Road Allowance and Water/Lakebed of Lake Simcoe additional information attachment, addendum item be approved.

**Carried.**

4. APPROVAL OF AGENDA

Moved by Mayor Margaret Quirk, Seconded by Susan Jagminas

**RESOLUTION NO. LDSJAHC-2016-0012**

That the agenda for the Lake Drive Shoreline Jurisdiction Ad Hoc Committee meeting held on April 19, 2016, be approved with the addendum item.

**Carried.**

5. DECLARATIONS OF PECUNIARY INTEREST AND GENERAL NATURE THEREOF

6. ADOPTION OF MINUTES

(1) Minutes of the meeting held on March 29, 2016.

The Committee discussed the minutes of the previous meeting (March 29, 2016).

Moved by Susan Jagminas, Seconded by Cathy Hasted

**RESOLUTION NO. LDSJAHC-2016-0013**

That the minutes of the Lake Drive Shoreline Jurisdiction Ad Hoc Committee meeting held on March 29, 2016, be approved with the following amendments:

1. The word voice on the bottom of page 7 in the statement "Concern that Staff are acting in a policy voice", be replaced with the word void.
2. The word vague on page 10 (under the Communications Protocols) be taken out.

**Carried.**

7. PRESENTATIONS

(1) Volume of shoreline inquiries.

At the previous meeting, the Committee requested staff provide a review of recent inquiries and volume of inquiries related to shoreline development. Dan Pisani, Director of Infrastructure and Operations, provided an overview of the type of inquiries that have been received since the previous Committee meeting. Examples of inquiries included:

- People wanting to build a boat house
- People asking about exclusive use rights (multiple inquiries)
- The right to build on shoreline
- The right to put up signs
- Requests to build (ex. Request to build a shed on the road allowance)
- Fences –parallel and perpendicular (perpendicular, illustrates ownership)

Dan Pisani reminded Committee members that there are safety concerns and without a policy it is hard to enforce.

(2) Mapping update.

It was noted that the mapping update (mapping schedule) would be discussed with the Proposed Interim Control By-law.

(3) Road Allowance Education 101, continued.

Andrew Biggart, Town Solicitor, provided a verbal summary of the road allowance educational piece that had previously been provided to Council to help further the Committee's understanding of road allowances. The following information that was reviewed:

- A road allowance includes a traveled and an untraveled portion
- Under the *Municipal Act*, the road allowance cannot be obtained through the adverse possession. Which is to say you cannot come to acquire the land on a road allowance by maintaining and controlling for any period, however long.
- In the original definition, the road allowance was from the lake to the road.
- Some people may have been perceived to be, or accepted as, the owners without the land being conveyed by the municipality because previously anyone could register anything on title. There may have also been a common acceptance among the community that a property occupied by a certain person belonged to that person.
- Once waters become navigable, they are considered Crown land, there is no land in between the road allowance and Crown lands that is privately owned unless it was deeded. You cannot take Crown land by adverse possession unless the Crown says that you can.
- Conveyance of a roadside allowance should take into consideration:
  - Access to the untraveled portion
  - Obligations for access to service providers (utility companies).
- Alternatives to conveying a the entire road site allowance are:
  - Convey a portion of a roadside allowance

- Lease a part of a roadside allowance
  - Grant exclusive use rights
- Challenges to the municipality's ownership (of the Lake Side Drive road allowance) would be proven by a deed that shows conveyance from the municipality.
- There would need to an examination on a site-by-site basis.
- An Interim Control By-Law (ICB) would not impact the concept of exclusive use.
- Previously private roads "trespass roads" were assumed by municipalities once a municipality spent money on them.

The Committee discussed whether or not there was a need to focus on the matter of ownership versus development on the shoreline (road allowance) and if the ICB would allow the Committee the time they needed to focus on the identified on the issues lists.

Andrew Biggart suggested that land can be identified by finding out what the traveled road allowance is so that a surveyor can measure a distance from there to create a reference plan (R-plan) to create the conveyable, leasable or lots to license. It was clarified that the Committee should still address the other concerns on the issues list and should make recommendations with respect to options for ownership, leasing, or exclusive use agreements.

Following the Road Allowance Education 101 presentation, the Committee entered into a discussion with staff regarding the evolution of the concerns that have led to the creation of the Lake Drive Shoreline Jurisdiction Ad-hoc Advisory Committee.

The Committee was advised the intent of the report (OED-2015-0025) that was sent to Council last July, was to make Council aware there was an issue; that staff require direction to address inquiries related to development on the shoreline (road allowance) the land ownership is being disputed over. In relation to the absence of direction, the ICB is supported by staff as a step towards putting a policy in place.

Staff were asked if they cannot just enforce the by-laws that are already in force, and for clarification as to why staff require direction and can't follow the policies in place.

The Committee was advised there are no policies in place; there are no by-laws that apply that can be enforced in relation to the concerns facing the shoreline area.

Mayor Quirk asked staff if they are getting any inquiries about what can be built and about ownership before the report (OED-2015-0025) went to Council in July.



Dan Pisani advised that he had received inquiries which is why the report went to Council to request direction.

It was clarified that a draft policy went to Council in 2008 but it was never adopted, in the absence of policy the draft has been used as a guideline. The Committee was advised that Council could at any time 'say to staff that we did not give you that as a direction.'

Harold Lenters further clarified that zoning is not in place on the road allowance because construction shouldn't be happening on the road allowance. This situation is unique because there are people who believe they own the road allowance and want to build on it. Because the ICB (if it were in place) would protect the land, not the ownership, there would be a clear process of going to court and enforcing removal if someone builds without a permit. Without the ICB, the Town could still go to court to get the structure removed, but then the ownership issue will come into effect and could take be a much longer to resolve.

The question was raised as to why when staff have been working in a policy void for so long there was a rush to resolve the matter now, the question was raised whether the focus should be on what the appropriate use of the land is and the concern that the Interim Control By-law does not address the ownership issue.

Dan Pisani responded clarifying that the intent of the report (OED-2015-0025) the report was to address the issues:

- Ownership/exclusive use
- The lack of policy
- Encroachment

The question was asked why there was an issue with getting an order and having structures that had been illegally built removed from Town land.

Andrew Biggart responded that this is not the type of scenario where it may be plain and obvious that land being built on is Town owned land. In reality, they may pull out a deed that says they own the land which will result in protracted litigation whereas an ICB allows the town to side step ownership and say it doesn't matter who owns it tear it down.

Concerns were raised that endorsing an ICB might go beyond the Committee's mandate if the Committee's mandate is to address ownership/exclusive use/ licensing issues.

Winanne Grant, Chief Administrative Officer, clarified the staff report in July was an attempt to provide a solution, which evolved into the creation of the Committee. The Terms of Reference and mandate of the Committee was established. The concept of the ICB was derived from the idea that the

Committee would need time to come to a solution. The purpose of the ICB would be to provide time for the committee to come up with a solution to the issues.

Moved by Mayor Margaret Quirk, Seconded by Susan Jagminas

**RESOLUTION NO. LDSJAHC-2016-0014**

That the Lake Drive Shoreline Jurisdiction Ad Hoc Committee receive the April 19 agenda item 7(3), *Road Allowance Education 101, Continued*.

**Carried.**

8. CONSIDERATION OF REPORTS ON THE AGENDA

(1) Draft Issues List

A. Staff Version Draft Issues List

B. Lake Drive Shoreline Jurisdiction Ad Hoc Committee Issues list  
(Email from Deyril Blanchard March 2, 2016)

C. Email Attachment

The Committee discussed the purpose of the Committee Issues lists.

Winanne Grant advised that the intent of the document was to provide a point of reference. The recommendation is to abort the exercise and move on to matters more deserving of the Committee's time.

Moved by Mayor Margaret Quirk, Seconded by David Szollosy

**RESOLUTION NO. LDSJAHC-2016-0015**

That the Lake Drive Shoreline Jurisdiction Ad Hoc Committee receive the following:

1. The staff version of the draft issues list
2. Email from Deyril Blanchard March 2, 2016
3. Lake Drive Community Committee version of issues list (attachment to email to staff from Deyril Blanchard)

**Carried.**

- (2) Proposed Interim Control By-law - Lake Dr. North and East Road Allowance and Water/Lakebed of Lake Simcoe

The Committee discussed RESOLUTION NO. LDSJAHC-2016-0010; That the Lake Drive Shoreline Jurisdiction Ad-hoc Committee approve as amended, item 8(2), Report on Interim Control By-law.

It was noted at the previous meeting that "the Committee requested the amended draft come back for review before going to Council."

The Committee discussed the intent of the resolution and the latter statement and whether the intent was for the ICB to be approved in principal or whether it was meant for the Committee to review and then decide.

The Committee discussed the intention of the ICB to prevent people from building on Town property without permits.

Harold Lenters added that in addition to the problems related to people who are illegally building without a permit, there are also problems for people who want to build who are trying to get a permit through the right processes. The example used was the dock in the water that connects to the Town's shoreline. The Committee was advised, without a policy in place these people will be turned down every time, and an ICB will help get quickly establish what is and what is not allowed so people who are able to get permits can.

The Committee discussed the ability for an interim policy instead of an interim control by-law in offering the ability to establish quickly what is and what is not allowed so people who are able to get permits can get permits.

The Committee suggested that the policy be a permissive policy, not a restrictive policy be developed. The values of both an interim policy and an Interim Control by-law were discussed.

Moved by Mayor Margaret Quirk, Seconded by David Szollosy

#### **RESOLUTION NO. LDSJAHC-2016-0016**

That the Lake Drive Shoreline Jurisdiction Ad Hoc Committee receive the Proposed Interim Control By-law (Lake Dr. North and East Road Allowance and Water/Lakebed of Lake Simcoe) and recommend that it not be forwarded to Council.

The Committee was reminded of the following:

- That Council may still request an Interim Control By-law be drafted
- That the *Proposed Interim Control By-law - Lake Dr. North and East Road Allowance and Water/Lakebed of Lake Simcoe*, included on the agenda addressed two issues as staff had already begun working on an Interim Control By-law prior to the Committee's request for one to be drafted for their review.

- The other matter (relating to the water/lakebed of Lake Simcoe) addressed in the proposed draft staff had already planned to take to Council
- The two issues were combined in one ICB and brought to the Committee as one so that the Committee would be aware and not be surprised by it.

The Committee discussed the water/lakebed being beyond their jurisdiction and whether or not it would be appropriate and necessary to distinguish between the two aspects of the report in their motion.

Moved by Mayor Margaret Quirk, Seconded by David Szollosy

**RESOLUTION NO. LDSJAHC-2016-0017**

That the Lake Drive Shoreline Jurisdiction Ad Hoc Committee receive the Proposed Interim Control By-law with respect to Lake Dr. North and East Road Allowance and recommend that it not be forwarded to Council.

**Carried.**

The Committee discussed the next steps and recapped that they had previously considered an interim policy which would be positive and permissive rather than restrictive.

Staff advised that the draft ICB does contain detail regarding what would be allowed on the road allowance. It was suggested:

- That staff use the bulk of the ICB into the interim policy.
- Some structures would require a permit while others wouldn't. There would be some direction.
- The policy void would be satisfied until a more permanent policy was in place.
- If the draft ICB was going to be used that under a provision be added to include remove or demolish under 3a).

Moved by Councillor Dave Neeson, Seconded by David Szollosy

**RESOLUTION NO. LDSJAHC-2016-0018**

That the Lake Drive Shoreline Jurisdiction request staff draft a positive policy to be presented at the next meeting for the Committee's consideration.

**Carried.**

Moved by Carr Hatch, Seconded by Councillor Dave Neeson

**RESOLUTION NO. LDSJAHC-2016-0019**

That the Lake Drive Shoreline Jurisdiction request staff bring forward a report for consideration at the June 14th meeting which will clearly indicate the following:

1. The options for owners including ownership, leasing and licensing.
2. The pros and cons of each of the options (ownership, leasing and licensing).
3. The means by which those options (ownership, leasing and licensing) may be exercised achieved.

**Carried.**

9. COMMUNICATIONS

10. OTHER BUSINESS

- (1) Scheduled meeting dates:  
May 17, 2016. Location: Council Chambers 6:30 PM  
June 14, 2016. Location: Council Chambers 6:30 PM

Councillor Neeson advised of his regrets for the upcoming May 17, 2016, meeting.

11. MOTION TO ADJOURN

Moved by Alan Direnfeld, Seconded by David Szollosy

**RESOLUTION NO. LDSJAHC-2016-0020**

That the Lake Drive Shoreline Jurisdiction Ad-hoc Committee April 19, 2016, meeting be adjourned at 8:39 PM.

**Carried.**



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Deyril Blanchard  
Chair



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C. Sarah A. Brislin  
Committee Services Coordinator

**Town of Georgina  
Lake Drive Shoreline Jurisdiction Ad Hoc Committee  
COMMITTEE MINUTES**

Tuesday, June 14, 2016  
6:30 PM  
Council Chambers- Civic Centre

**1. CALL TO ORDER**

The meeting was called to order at 6:33 PM.

**2. ROLL CALL**

The following Committee members were present:

Alan Dierenfeld  
Dave Szollosy  
Cathy Hasted  
Councillor Dan Fellini  
Councillor Dave Neeson  
Deyril Blanchard, Chair  
Mayor Margaret Quirk  
Susan Jagminas  
Carr Hatch  
Terry Holgate  
Peter Stevens

The following Staff members were in attendance:

Winanne Grant, Chief Administrative Officer  
Dan Pisani, Director of Infrastructure and Operations  
Andrew Biggart, Town Solicitor  
Velvet Ross, Manager of Planning,  
Rod Larmer, Manager of Building and Chief Building Official  
Bob Fortier, Manager of Capital Projects  
Sarah Brislin, Committee Services Coordinator

**3. INTRODUCTIONS OF ADDENDUM ITEM(S)**

- (1) Proposed Interim Policy Lake Dr. North and East Road Allowance (agenda item 8(1)).

**4. APPROVAL OF AGENDA**

Moved by Dave Szollosy, Seconded by Peter Stevens

**RESOLUTION NO. LDSJAHC-2016-0021**

That the agenda for the Lake Drive Shoreline Jurisdiction Ad Hoc Committee meeting held on April 19, 2016, be approved with the addendum item, Proposed Interim Policy Lake Dr. North and East Road Allowance.

**Carried.**

5. DECLARATIONS OF PECUNIARY INTEREST AND GENERAL NATURE THEREOF - *None*
6. ADOPTION OF MINUTES

(1) Minutes of the meeting held on April 19, 2016.

Moved by Councillor Dave Neeson, Seconded by Councillor Dan Fellini

**RESOLUTION NO. LDSJAHC-2016-0022**

That the minutes of the Lake Drive Shoreline Jurisdiction Ad Hoc Committee meeting held on April 19, 2016, be adopted.

**Carried.**

7. PRESENTATIONS - *None*
8. CONSIDERATION OF REPORTS ON THE AGENDA

(1) Proposed Interim Policy Lake Dr. North and East Road Allowance

Winanne Grant, Chief Administrative Officer, highlighted the revisions between the current document and the one the Committee had previously been circulated. The comparison was prefaced with the explanation that staff had taken the previous Draft Interim Control By-law and converted it into the Interim Policy. Some content was initially missed in the conversion process.

The Committee discussed the interim policy including the revisions and their concerns with the proposed policy. The following recommendations were made:

- That staff draft a report and policy with revisions as recommended by Committee to:
  - Include the wording changes suggested by the Committee
  - Provisional approval be included in the Interim Policy
  - Exception to nothing new being built be included in the Interim Policy for the following:
    - Stairs
    - Access
    - Docks

- Shoreline erosion retaining walls

Moved by Alan Direnfeld, Seconded by Dave Szollosy

**RESOLUTION NO. LDSJAHC-2016-0023**

That staff return with an updated report accompanied by the amended Interim Policy taking into account recommendations made by the Lake Drive Shoreline Jurisdiction Ad-hoc Advisory Committee and provided well in advance of the next Committee meeting.

**Carried.**

(2) Memo Re: ownership, leasing and licensing.

Andrew Biggart, Town Solicitor, provided an overview of the memo which outlines options, benefits and detriment of selling, leasing and licensing the lands along the Lake Drive (Shoreline). Mr. Biggart advised the Committee that in researching these options, his recommendation would be for the Town to convey the land along the shoreline subject to two conditions:

1. That a certain amount of land adjacent to the travelled portion be retained for the purposes of allowing maintenance of the road. For example, if a dump truck or crew needed access.
2. That there be a restrictive covenant requiring that the parcels can only be sold with the adjacent properties and bought by adjacent properties.

The Committee discussed various options for conveyance including potential obstacles and concerns regarding the processes involved in moving forward. The discussion touched on the following points:

- Use of the words convey, sell, buy, and purchase.
- The old land registry system and the new land titles and property identification number system (PINS).
- Who would pay for survey/reference plan?
- Having one company do a survey versus owners individually hiring surveyors.
- Costs of sale and administrative support being included in sale price.
- Where to get a reference point for the price of the land for the conveyance.
- The impact of the high-water mark.
- The cost of acquisition and influences such as liability.
- Potential options for lots that do not line up with an adjacent lot across the roadway (example 5 houses and 6 strips or 6 houses and 2 strips):
  - Highest bidder



- Not selling sections where there could be conflict as to whom to sell to (because there are multiple lots that could be connected).
- Joint agreements
- A need for a separate process for a beach association.
- Where there are claims of ownership of waterfront the municipality will need to determine whether they accept the claim.
- Barriers to the sale.
  - Increases in taxes and changes to assessment values.

Moved by Dave Szollosy, Seconded by Peter Stevens

**RESOLUTION NO. LDSJAHC-2016-0024**

That the Lake Drive Shoreline Jurisdiction Ad-hoc Advisory Committee

1. Recommends option 1, the transfer and conveyance, as the preferred option and directs staff to report back to the Committee with the more details of implementation and implications.
2. That the Report include comments with respect to circumstances under which leasing and licensing might be appropriate and then the terms under which those options might be implemented as required.

**Carried.**

9. COMMUNICATIONS

10. OTHER BUSINESS

- (1) Schedule upcoming meeting dates.

The Committee discussed potential dates and agreed on September 20, 2016, 6:30 PM.

11. MOTION TO ADJOURN

Moved by Alan Drenfeld, Seconded by David Szollosy

**RESOLUTION NO. LDSJAHC-2016-0025**


That the Lake Drive Shoreline Jurisdiction Ad-hoc Committee June 14, 2016, meeting be adjourned at 9:02 PM.

**Carried.**



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Deyril Blanchard  
Chair



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C. Sarah A. Brislin  
Committee Services Coordinator

**Town of Georgina**  
**Lake Drive Shoreline Jurisdiction Ad Hoc Committee**  
**COMMITTEE MINUTES**

Tuesday, September 20, 2016  
6:30 PM  
Council Chambers - Civic Centre

1. CALL TO ORDER

The meeting was called to order at 6:45 PM.

2. ROLL CALL

The following Committee members were present:

Deyril Blanchard, Chair  
Susan Jagminas, Vice Chair  
Mayor Margaret Quirk  
Councillor Dave Neeson  
Alan Direnfeld  
Dave Szollosy  
Cathy Hasted  
Terry Holgate  
Peter Stevens

The following Committee members were absent:

Councillor Dan Fellini (with regrets)  
Carr Hatch

The following staff members were in attendance:

Winanne Grant, Chief Administrative Officer  
Andrew Biggart, Town Solicitor  
Dan Pisani, Director of Infrastructure and Operations  
Harold Lenters, Director, Development Services  
Rod Larmer, Manager of Building and Chief Building Official  
Bob Fortier, Manager of Capital Projects  
Sarah Brislin, Committee Services Coordinator

3. INTRODUCTIONS OF ADDENDUM ITEM(S)

4. APPROVAL OF AGENDA

Moved by Dave Szollosy, Seconded by Mayor Margaret Quirk

**RESOLUTION NO. LDSJAHC-2016-0026**

That the agenda for the Lake Drive Shoreline Jurisdiction Ad Hoc Committee meeting held on September 20, 2016, be approved as presented

**Carried.**

5. DECLARATIONS OF PECUNIARY INTEREST AND GENERAL NATURE THEREOF - *None*
6. ADOPTION OF MINUTES
  - (1) Minutes of the meeting held on June 14, 2016.

Moved by Dave Szollosy, Seconded by Councillor Dave Neeson

**RESOLUTION NO. LDSJAHC-2016-0027**

That the minutes of the Lake Drive Shoreline Jurisdiction Ad Hoc Committee meeting held on June 14, 2016, be adopted with the following amendments:

The spelling of "buy" on page 3, second paragraph, provision 2, be corrected to "by"

**Carried.**

7. PRESENTATIONS - *None*
8. CONSIDERATION OF REPORTS ON THE AGENDA
  - (1) Correspondence from Andrew Biggart, Ritchie, Ketcheson, Hart and Biggart re: Town of Georgina – Lake Drive Shoreline Road Allowances

Before opening the floor to questions regarding the correspondence from Andrew Biggart, Winanne Grant, Chief Administrative Officer, outlined the work that will need to be done by Municipal Property Assessment Corporation ("MPAC") to inform and assist the process.

The Committee was advised there was a preliminary meeting with MPAC involving staff to explain the Committee's direction with respect to the Lake Drive Shoreline Road Allowances and adjacent lots. The meeting provided insight into the complexity of the situation; consideration was given to the following:

- There are estimated to be over 1,000 contiguous properties with unique situations along the shoreline.
- In the interest of public inquiries, time will be required to gather information; MPAC will need to look at how the lots might be assessed, and how individual properties are going to be impacted, so the potential owners can inquire before deciding on the transfer/conveyance.

- Giving MPAC a heads up and working with them, considering how MPAC on their end will handle implications of creations/transfers/conveyance of several lots at once.
- MPAC will contact staff if they require information from the Town.

The Committee discussed the transparency of the meeting between staff and MPAC and the following points were raised:

- The meeting was a result of staff process required for the Report.
- The meeting with MPAC was preliminary, and relating to the Committee's previous discussions with respect to the assessment taxation of their property and the implications of the lot creation.
- Following the discussion concerns were raised that Committee members were not invited to participate in the meeting and it was agreed that a second meeting would be arranged were Committee members would have an opportunity to participate.
- The benefits of releasing land.
- MPAC's standard set of protocols to trigger a reassessment
- How the concept was presented to MPAC (how MPAC perceives the change that may be about to occur).

Moved by Councillor Dave Neeson, Seconded by Terry Holgate

#### **RESOLUTION NO. LDSJAHC-2016-0028**

That the Lake Drive Shoreline Jurisdiction Ad Hoc Committee direct staff to find out exactly how many houses there are along Lake Drive (from any credible sources) and report back to this Committee.

**Carried.**

Moved by Peter Stevens, Seconded by Alan Drenfeld

#### **RESOLUTION NO. LDSJAHC-2016-0029**

That a special meeting between the Municipal Property Assessment Corporation and staff be arranged as soon as feasible and that the Lake Drive Shoreline Jurisdiction Ad Hoc Committee has a representative at the meeting.

**Carried.**

The Committee discussed the correspondence from Andrew Biggart regarding Lake Drive Shoreline Road Allowances. Following the discussion, it was clarified that the correspondence would not be subject to amendments as it represents the legal opinion of Andrew Biggart. The Committee was advised they can agree or disagree with the information contained in the correspondence.

Winanne Grant advised the Committee that the Report was for informational purposes and intended to be received and that there was a need for more fact finding and gathering of information.

Moved by Peter Stevens, Seconded by Dave Szollosy

**RESOLUTION NO. LDSJAHC-2016-0030**

That the formula for payment of shoreline lots be based upon the square foot or square meters surveys data rather than by appraisal.

**[No vote on motion]**

Moved by Dave Szollosy, Seconded by Alan Direnfeld

**RESOLUTION NO. LDSJAHC-2016-0031**

Postpone the consideration of the previous motion until the Committee is prepared to make recommendations to Council.

**Carried.**

Moved by Alan Direnfeld, Seconded by Dave Szollosy

**RESOLUTION NO. LDSJAHC-2016-0032**

That the Lake Drive Shoreline Jurisdiction Ad Hoc Committee receive the Correspondence from Andrew Biggart.

**Carried.**

(2) Draft Policy re: Lake Drive

Andrew Biggart explained the mindset of the Draft Policy is fair use. The Policy takes a stance of what's permitted rather than what is prohibited. The proposed Policy, if approved would allow Council to figure out what to do with lands while staff effectively carry out a "will" of Council.

The Committee suggested a preamble or intro be included which articulates that the Policy is a temporary policy. The Committee requested a draft policy come back for review after it has been transposed into the Town policy template, which would include a preamble, purpose or intent.

Moved by Alan Direnfeld, Seconded by Terry Holgate

**RESOLUTION NO. LDSJAHC-2016-0033**

That the Lake Drive Shoreline Jurisdiction Ad Hoc Committee receive the Draft Policy regarding Lake Drive.

**Carried.**

9. COMMUNICATIONS

10. OTHER BUSINESS

(1) Schedule upcoming meeting dates.

The Committee discussed potential meeting dates and agreed on November 8, 2016, and requested Sarah Brislin, Committee Service Coordinator, send the calendar invite to members.

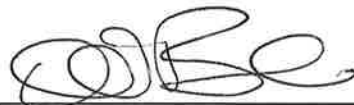
11. MOTION TO ADJOURN

Moved by David Szollosy, Seconded by Terry Holgate

**RESOLUTION NO. LDSJAHC-2016-0034**

That the Lake Drive Shoreline Jurisdiction Ad Hoc Committee September 20, 2016, meeting be adjourned at 9:00 PM.

**Carried.**



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Deyril Blanchard  
Chair



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C. Sarah A. Brislin  
Committee Services Coordinator

**Town of Georgina  
Lake Drive Shoreline Jurisdiction Ad Hoc Committee  
COMMITTEE MINUTES**

Tuesday, November 8, 2016  
6:30 PM  
Council Chambers- Civic Centre

1. CALL TO ORDER

The meeting was called to order at 6:31 PM.

2. ROLL CALL

The following Committee members were present:

Deyril Blanchard, Chair  
Susan Jagminas, Vice Chair  
Mayor Margaret Quirk  
Councillor Dave Neeson  
Alan Direnfeld  
Cathy Hasted  
Terry Holgate  
Peter Stevens  
Carr Hatch

The following Committee members were absent with regrets:

Dave Szollosy  
Councillor Dan Fellini

The following staff members were in attendance:

Andrew Biggart, Town Solicitor  
Harold Lenters, Director, Development Services  
Rod Larmer, Manager of Building and Chief Building Official  
Dave Reddon, Manager Taxation and Revenue  
Bob Fortier, Manager of Capital Projects  
Sarah Brislin, Committee Services Coordinator

3. INTRODUCTIONS OF ADDENDUM ITEM(S) - *None*

4. APPROVAL OF AGENDA

Moved by Susan Jagminas, Seconded by Alan Direnfeld

**RESOLUTION NO. LDSJAHC-2016-0035**



That the agenda for the Lake Drive Shoreline Jurisdiction Ad Hoc Committee meeting held on November 08, 2016, be approved as presented and that the rules of procedure be waived, and items 9(1), and 9(2) be moved forward on the agenda following the adoption of the minutes.

**Carried.**

5. DECLARATIONS OF PECUNIARY INTEREST AND GENERAL NATURE THEREOF
6. ADOPTION OF MINUTES

(1) Minutes of the meeting held on September 20, 2016.

The Committee discussed the minutes and suggested the following amendments be made:

1. The third bullet under the first paragraph be removed from the minutes
2. The Committee requested the wording for the following statement be changed from, "The Committee was advised they can accept or reject the recommendation" to "The Committee was advised they can agree or disagree with the information contained in the correspondence."

Moved by Alan Direnfeld, Seconded by Peter Stevens

**RESOLUTION NO. LDSJAHC-2016-0036**

That the minutes of the Lake Drive Shoreline Jurisdiction Ad Hoc Committee meeting held on September 20, 2016, be adopted as amended.

**Carried.**

7. PRESENTATIONS
8. CONSIDERATION OF REPORTS ON THE AGENDA

(1) Draft Policy: Lake Drive Shoreline Road Allowances permitted uses.

The Committee discussed the Policy, highlighting points of the policy that were not clear. The Committee noted they had suggested a provision at the previous meeting which would include a conditional approval in the absence of other approvals. The Committee recommended amendments be made to the Policy.

Moved by Alan Direnfeld, Seconded by Peter Stevens

**RESOLUTION NO. LDSJAHC-2016-0037**

That the Lake Drive Shoreline Road Allowances Permitted Uses Draft Policy brought back to the next Committee meeting subject to the following recommendations:

1. An amendment to address when the Interim Policy will be repealed/revoked;
2. An amendment to address concept that the Town will approve construction, repairs, etc., subject to required approvals from other agencies/bodies (i.e. LSRCA, MNR), rather than have the Town's approval waiting for other bodies to approve it first;
3. Define "repairs" to exclude maintenance;
4. Exclude temporary or floating docks provided they are not a hazard in relation to the safe use and operation of the road allowance;
5. Clarify that "height" in part 6(c) refers to height of fences from grade;
6. Reasonable timeframes be included, and the Town deliver a Statement of Protocols in the form of a companion administrative policy.

**Carried.**

**9. COMMUNICATIONS****(1) Lake Drive Resident's Position Paper**

The Committee reviewed the Lake Drive Resident's Position paper including the following recommendations:

1. Invite landowners on Lake Drive to sign Declarations of Interest for the purpose of declaring their interest in the "lakeside lot".
2. Implement the steps required for the closing of the lands within the road allowance, including the R-Plan and a by-law to close the relevant portions and zone the closed portions as necessary.
3. The offer of conveyance should be tied to and inseparable from the title of the property immediately opposite the lakeside property being conveyed. The conveyance would restrict the selling of the lakeside property separate from the land opposite it.
4. The costs should be as already established by precedent.
5. Properties that already have separate PINs and property tax bills for the lakeside should be given exemptions on costs since they already own and have paid through their property taxes.

Concerns of the Lake Drive Residents were raised (which gave consideration to the ways in which various scenarios could play out). The relevance of a lot by lot

analysis (including the involvement of MPAC and a requirement of R-plans) was raised, in relation to addressing the varied situations.

The concern was raised regarding the process and the desire for assurances for the owner that the final price is nominal. The concern was raised about going through the process and finding out the property costs 10 times more than anticipated. (\$20 000.00 rather than \$2000.00).

Moved by Mayor Margaret Quirk, Seconded by Alan Direnfeld

### **RESOLUTION NO. LDSJAHC-2016-0038**

That the Lake Drive Jurisdiction Ad Hoc Advisory Committee receive the Lake Drive Resident's Position Paper.

#### **Carried.**

(2) Municipal Property Assessment Corporation (MPAC) meeting Nov. 2

The Committee reviewed the different scenarios that were explained at the MPAC meeting on November 2, 2016. At that meeting MPAC agreed to analyse additional vacant lots along the shoreline to gauge the different situations and get information, and what if assessment and impacts. The information from MPAC was received from Town staff at 5:00 PM November 8, 2016. The Committee was advised the information would be forwarded.

The Committee discussed the understanding that has come out of the meetings with MPAC. Assessments are sales driven. However, restrictions (such as not being able to build on the lots or being limited in what you can do with the lot) will also impact assessments. Concurrently if the property is tied to the abutting lot on the other side of the road, that would also devalue the lakeside lot and will decrease the value of the assessments.

The purpose of involving MPAC was to determine how to establish how these lots would be created. MPAC is also willing to allow Committee and Town to work together to structure the transactions to keep the assessment low.

It was noted that at the MPAC mentioned that the property could have more value if it was sold to the neighbor in a case where the abutting owner didn't buy it. In such a case, the assessed value is more.

Dave Reddon, Manager, Taxation and Revenue, advised the Committee that staff are currently working with GIS (trying to capture all the properties that may be using shoreline) in relation to the motion put forward at the previous meeting for staff to find out how many houses were along Lake Drive.

Moved by Mayor Margaret Quirk, Seconded by Councillor Dave Neeson

**RESOLUTION NO. LDSJAHC-2016-0039**

That the Lake Drive Jurisdiction Ad Hoc Advisory Committee receive the verbal update regarding the Municipal Property Assessment Corporation November 02, 2016, meeting.

**Carried.**

Moved by Susan Jagminas, Seconded Peter Stevens

**RESOLUTION NO. LDSJAHC-2016-0040**

That the Lake Drive Shoreline Jurisdiction Ad-Hoc Advisory Committee recommend to Council to create a Sub-Committee of three members to draft a comprehensive policy.

And that the following persons be appointed to form the sub-committee:

- a. One Member of Council to be named by Council
- b. Alan Direnfeld
- c. Dave Szollosy (subject to his availability and acceptance of the position)

And that the following person be appointed as staff support:

Andrew Biggart, Town Solicitor.

And that additional staff attend and provide assistance as deemed necessary

**Carried.**

10. OTHER BUSINESS

- (1) Schedule upcoming meeting dates.

The Committee discussed upcoming dates and suggested the Sub-Committee meet December 12 or 13, 2016. The Committee requested Committee Services Coordinator send doodle polls to Committee members to set up meeting dates for the Sub-Committee and Committee. The Committee would like to meet in January and February.

11. MOTION TO ADJOURN

Moved by Peter Stevens, Seconded Susan Jagminas

**RESOLUTION NO. LDSJAHC-2016-0041**

That the Lake Drive Shoreline Jurisdiction Ad Hoc Committee November 08, 2016, meeting be adjourned at 9:04 PM.

**Carried.**

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Deyril Blanchard  
Chair

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C. Sarah A. Brislin  
Committee Services Coordinator