

**The Corporation of the Municipality of
Temagami**

Application for Minor Variance



PLEASE READ BEFORE COMPLETING THIS APPLICATION

In addition to this form, the Applicant will be required to submit the appropriate fee, site plan, and any additional information required to assess the proposal. Failure to submit all of the required information may prevent or delay the consideration of the Application. If more space is required please use additional sheets.

OFFICE USE ONLY	
Date Received: RECEIVED DEC 23 2019	Complete Application: <u>January 14/2020</u>
Application Number: <u>MV-20-01</u>	One copy of original sketch: <u>Yes</u>
Fee \$ <u>600</u>	Fee Received on: <u>Dec 23/19</u>

Please Print and Complete or (✓) Appropriate Box (es)

SECTION 1 – APPLICANT INFORMATION		
1.1 Owner Information		
Name of Owner(s) <u>Lynne + Rob Wolstenholme</u>		
Home Telephone Number <u>519 821 9760</u> <u>519.</u> <u>867-2032</u>	Business Telephone Number <u>n/a</u>	
Fax Number <u>n/a</u>	Email Address <u>wolstenholme.lynne@gmail.com</u>	
Mailing Address <u>26 Stuart Street Guelph ON</u>		Postal Code <u>N1E 4S4</u>
If the owner is a corporation, please provide the name of the person who has the authority to bind the corporation and who will sign the legal agreement on behalf of the Corporation		
Name(s): <u>n/a</u>		
Position(s): <u>n/a</u>		
1.2 Agent Information (Who is making the application on behalf of the owner)		
Name of Agent / Contact Person: <u>Karen Beauchamp, Clearwater Planning Inc.</u>		
Home Telephone Number <u>705 358 9941</u>	Business Telephone Number <u>705 358 9941</u>	

Fax Number <u>705 569 4565</u>	Email Address <u>Karen@clearwaterplanning.ca</u>
Mailing Address <u>BOX 307 Temagami ON</u>	Postal Code <u>P0H 2H0</u>

1.3 Please specify to whom all communications should be sent

☐ Owner
☐ Agent
☒ Both Owner and Agent

SECTION 2 – AUTHORIZATION

2.1 If the applicant is not the owner of the land that is the subject of this application, the written authorization of the owner that the applicant is authorized to make the application must be included with this form or the authorization set out below must be completed.

AUTHORIZATION OF OWNER(S) FOR AGENT TO MAKE THE APPLICATION & DISCLOSE OF PERSONAL INFORMATION

I/WE, Rob and Lynne Wolstenholme, owner(s) of the land that is subject to this application hereby authorize Karen Beauchamp to act on my/our behalf regarding this application and for the purposes of the *Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. M.56*, I/We authorize Karen Beauchamp to make this application on my/our behalf.

<u>x Rob Wolstenholme</u> Signature of Owner(s) <u>Rob</u>	<u>Sept. 30/19</u> Date
<u>x Lynne Wolstenholme</u> Signature of Owner(s) <u>Lynne</u>	<u>Sept. 30/19</u> Date

2.2 Consent of Owner – Complete the consent of the owner concerning personal information set out below

CONSENT OF THE OWNER TO THE USE AND DISCLOSURE OF PERSONAL INFORMATION

I/WE, Rob and Lynne Wolstenholme, owner(s) of the land that is the subject of this application and for the purposes of the *Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. M.56*, I/we authorize and consent to the use by or the disclosure to any person or public body of any personal information that is collected under the authority of the Planning Act for the purposes of processing this application and authorize the distribution of this application in electronic form.

<u>x Rob Wolstenholme</u> Signature of Owner(s) <u>Rob</u>	<u>Sept. 30/19</u> Date
<u>x Lynne Wolstenholme</u> Signature of Owner(s) <u>Lynne</u>	<u>Sept. 30/19</u> Date

2.3 Consent of Owner – Site Visit

I/WE Rob and Lynne Wolstenholme, owner(s) of the land that is the subject of this application and I/We authorize municipal staff and committee of adjustment members to enter onto the property to gather information necessary for assessing this application.

Rob Wolstenholme
Signature of Owner(s) Rob

Sept. 30/19
Date

Lynne Wolstenholme
Signature of Owner(s) Lynne

Sept. 30/19
Date

APPLICANT(S) ACKNOWLEDGEMENT

I/we acknowledge submission of this application does not necessarily mean that it is a **complete application**. I/we acknowledge that **photographic images** of the property and proposed development location are required as part of the application. The Municipality of Temagami may return the application to the applicant for failure to complete any part of the application form, failure to provide the required supporting documentation or failure to pay the application fee. I/we acknowledge that it is my/our responsibility to provide a complete and accurate application and that the Municipality of Temagami Staff is not permitted to complete the application on my/our behalf.

I/we acknowledge that this application, including all supporting documentation, shall be available to the general public upon request and shall be provided to the Committee of Adjustment members in its entirety.

I/we agree and acknowledge that I/we am/are responsible for all costs associated with third party Local Planning Appeal Tribunal (LPAT) appeals and municipal peer review of background reports, and shall submit the required deposits upon the Municipality's request for peer review in accordance with the Municipality's planning fees.

Rob Wolstenholme
Signature of Applicant (s) Rob

Sept. 30/19
Date

Rob and Lynne Wolstenholme
Print Name

SECTION 3 – LAND USE

3.1 Official Plan Designation Marten River Neighbourhood - Integrated Management Area

3.2 Zoning RZ - Remote Residential

SECTION 4 – DESCRIPTION OF THE PROJECT

4.1 Project Description

Provide details of the project.

To enclose a 12' x 22' deck on the east side of the cottage.
3.6m x 6.7m

SECTION 5 – ZONING CONFORMITY

5.1 Explain which section of the Zoning By-law you are requesting relief from and why the project can't conform to the by-law.

7.5.2 Dwelling unit @ minimum distance from the shore 15m (12.2m is proposed)
c) minimum side yard 5m (3.68m is proposed)

SECTION 6 - LOCATION OF THE SUBJECT LAND

6.1 Location of Land

Municipal Address

61 Rattler Rd.

Legal Description

Lot 1 Plan M-411 + Part 1 & 2 36R-13010

6.2 Date the subject land was acquired by the current owner.

June 19 2009

SECTION 7 - DESCRIPTION OF SUBJECT LAND AND PROJECT

7.1 Description of any proposed buildings/structures

To enclose a 12' x 22' (3.6m x 6.7m) deck on the east side of the cottage to make more living room space.

7.2 Property Information - Site

Lot Area: 0.58 ha
Road Frontage: 46m
Water Frontage: 57.2m
Lot Depth: 141.2m
Lot Width: 57.2m

7.3 Are there any easements or restrictive covenants affecting the subject land?

☐ No ☒ Yes If Yes, describe the easement or covenant and its effect Hydro One over Part 2 36R 13010

SECTION 8 - SERVICING INFORMATION

8.1 Check the appropria te Box	Provincial Highway	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> N/A
	Municipal road - maintained all year	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> N/A
	Municipal road - seasonally maintained	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> N/A
	Other public road (e.g. LRB)	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> N/A
	Right of way	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> N/A
	Water access	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> N/A
	Other (e.g. private road) Private Road over Crown Land	<input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> N/A

SECTION 9- ACCESS TO SUBJECT LANDS

9.2 If checked **YES** that access to the property is by "water access", please provide which public access is used and how far from the docking and parking facilities is the property.

n/a

9.3 If checked **YES** that access to the property is by "private road", "other public road", or "right of way", indicate who owns the land or road, who is responsible for maintenance and if it is seasonal or maintained year round.

crown owned - maintained year round by residents

SECTION 10 - EXISTING USE I.E. VACANT- RESIDENTIAL LOTS

10.1 Existing use(s) of the subject land: Residential

10.2 How long has the existing use continued? 50 years ±

10.3 Existing use(s) of abutting (neighbouring) properties: East and South Crown Land - vacant
West-Residential North-Jumping Caribou Lake

SECTION 11 - EXISTING PARTICULARS OF ALL BUILDINGS AND STRUCTURES

11.1	Ground Floor Area	Gross Floor Area	No. of Stories	Width	Length	Height

See attached chart

11.2 Location of all buildings and structures (specify distance)

	Side Lot Lines	Rear Lot Lines	Front Lot Lines

See attached chart

SECTION 12 - PROPOSED USE & PROPOSED PARTICULARS OF ALL BUILDINGS AND STRUCTURES

12.1 Description of proposed use of subject land.

Residential

12.2	Ground Floor Area	Gross Floor Area	No. of Stories	Width	Length	Height

See attached chart

12.3 Location of all proposed buildings and structures (Specify Distance)				
Same as existing main	Side Lot Lines 1.2 (east)	Rear Lot Lines 68.6	Front Lot Lines 12.2	
SECTION 13 – SERVICING INFORMATION				
13.1 Check All appropriate boxes.	Publicly owned and operated piped water system	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> N/A
	Privately owned and operated individual well	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> N/A
	Privately owned and operated communal well	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> N/A
	Lake or other water body	<input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> N/A
	Other	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> N/A
13.2 Check All appropriate boxes.	Publicly owned and operated sanitary sewage system	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> N/A
	Privately owned and operated individual septic tank	<input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> N/A
	Privately owned and operated communal septic system	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> N/A
	Privy	<input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> N/A
	If Other please explain: n/a			
A certificate of approval, or comments, from the local Health Unit or Ministry of the Environment and energy (MOEE) submitted with this application will facilitate the review.				
13.3 Storm Water Drainage		<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> N/A
If YES Please explain i.e. culvert, ditches or other: n/a				
13.4 Are any of the following uses or features on the subject land or within 500 meters of the subject land:				
Agriculture operation i.e. livestock facility or stockyard		<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> N/A
Landfill		<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> N/A
Sewage treatment plant or waste stabilisation plant		<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> N/A
provincial significant wetland (class 1,2,3)		<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> N/A
Flood Plain		<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> N/A

Rehabilitated mine site	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> N/A
Non-Operating mine site within 1 km of the subject land	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> N/A
Active Railway line	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> N/A
Municipal/Federal Airport	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> N/A
Utility Corridors	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> N/A
Heritage building/structure/site?	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> N/A

If Yes to any of the above, describe n/a

SECTION 14 – PREVIOUS/CURRENT APPLICATIONS

14.1 Has the subject land ever been the subject of an application under the Planning Act?

☐ No ☒ Yes If Yes, describe MV-12-01 SPC-16-12 SPC-11-01
MV-16-08 SPC-12-04

14.2 Aside from this application, is the subject land currently the subject of an application under the Planning Act?

☒ No ☐ Yes If Yes, describe _____

14.3 Is there any other information that you think may be useful to the Municipality in reviewing this application? If so, explain below or attach on a separate page

See attached sketches, photos, report.

SECTION 15 – CHECK LIST

Have you remembered to attach the following

- ☐ 1 copy of the completed application form
- ☐ 1 copy of the required sketch
- ☐ 1 copy of any required technical or justification study
- ☐ The required fee (cheque payable to the Municipality of Temagami)

SECTION 16 – AFFIDAVIT OR SWORN DECLARATION (to be completed by each owner)

I/WE, Karen Beauchamp
(full name)

of the Municipality of Temagami
(city, town)

in the District of Nipissing
(region, county, district)

make oath and say (or solemnly declare) that the information contained in this application is true and that the information contained in the documents that accompany this application is true.

Sworn (or declared) before me

at the _____
(city, town)

in the _____
(region, county, district)

this _____ day of _____, 20____

(Commissioner, etc.)

Signature of Applicant * Agent for Applicant

*Must be signed in the presence of the Commissioner.

Please provide a separate affidavit if more than one applicant.

11.1 Existing Structures

	Ground Floor Area (sq m)	Gross Floor Area (sq m)
Main Dwelling	74	129
Sleep Cabin	57	57
Shed 1	38	38
Woodshed for Main Dwelling	10	10
Woodshed for Sleep Cabin	10	10
Water Based Boathouse	132	132
Total Lot coverage	189	
Total SAA coverage	27	

11.2 Location

	Side Lot Lines (m)	Rear Lot Line (m)
Main Dwelling	1.2 (east)	69
Sleep Cabin	5.8 (west)	94
Shed 1	0 (west)	107
Woodshed for Main Dwelling	0 (east)	64
Woodshed for Sleep Cabin	4.8 (west)	64
Water Based Boathouse	5 (east)	115

12.1 Proposed Structure

	Ground Floor Area (sq m)	Gross Floor Area (sq m)
Main Dwelling	98	153

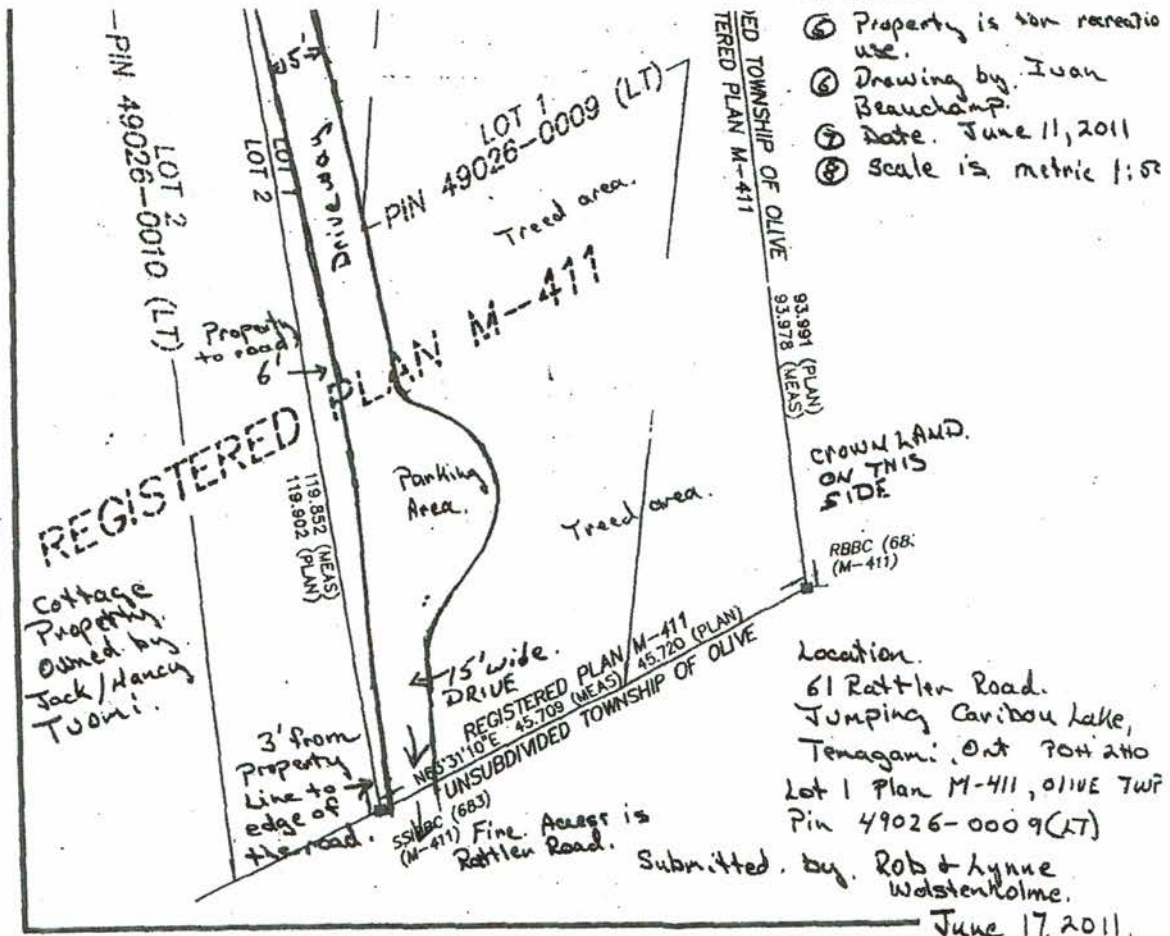
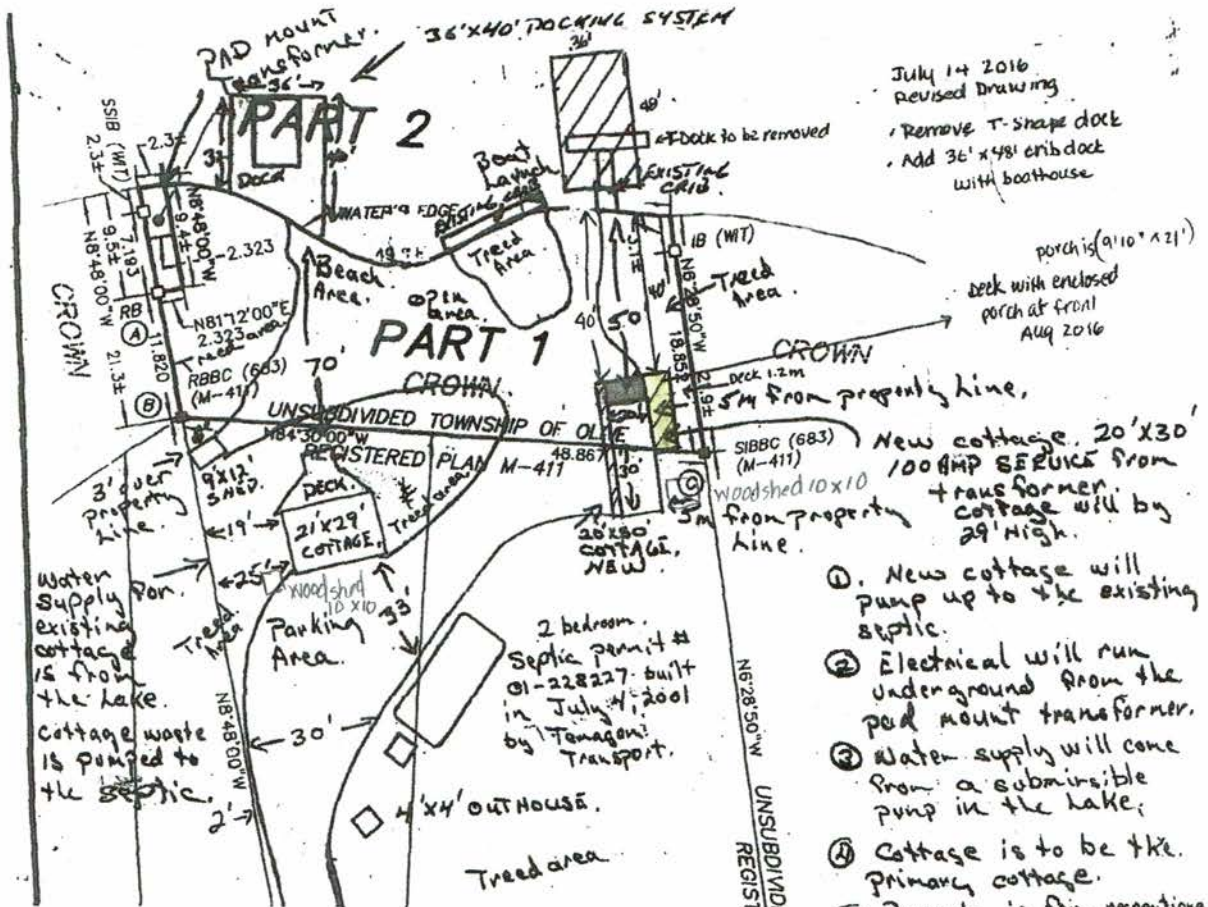
No of Stories	Width (m)	Length (m)	Height (m)
1.5	6	12.2	8
1	6.4	8.8	4.6
1	2.7	3.7	3.7
1	3.2	3.2	3.2
1	3.2	3.2	3.2
1	11	12	5.2

Front Lot Line (m)

12.2
21
20
29
33
0

No of Stories	Width (m)	Length (m)	Height (m)
1.5	9.6	12.2	8

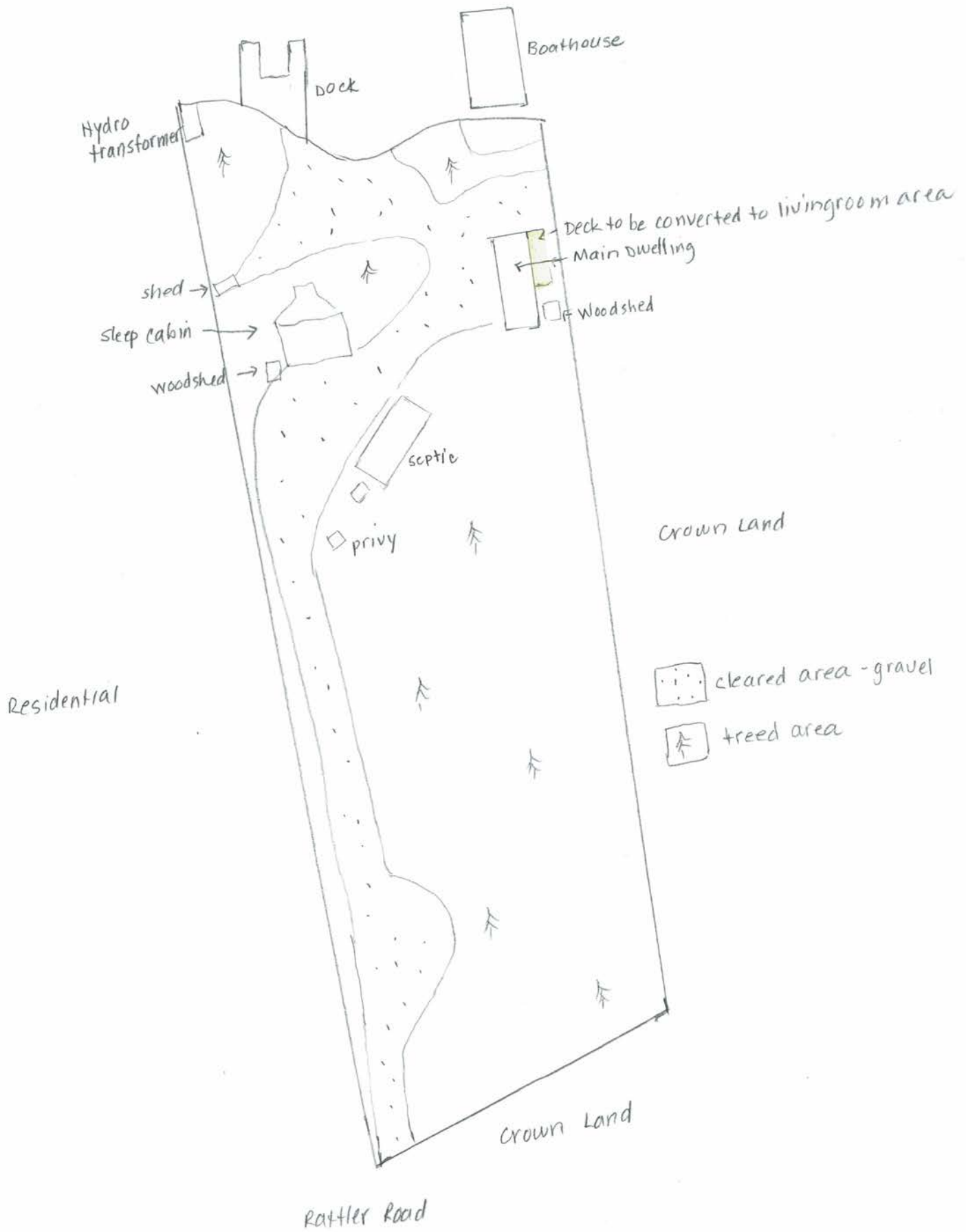
SCHEDULE A




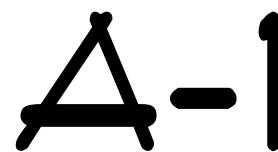
June 17, 2011

Jumping Caribou Lake

Simplified Drawing of Structures





BUILDING INFORMATION FINISHED AREA SUBJECT: N/A EXISTING PLAN FLOOR AREA: 791.2 SQ. FT. PROPOSED PLAN FLOOR AREA: 232 SQ. FT. TOTAL AREA: 1023.1 SQ. FT.		 EXHAUST FAN C.O. DETECTOR SMOKE DETECTOR HALOGEN BOMB LIGHT STANDARD CEILING FIXTURE COACH LIGHT/WALL BRONCE	
CEILING HEIGHT THROUGHOUT MAIN FLOOR SHALL MATCH EXISTING INCLUDING FLOOR FINISHES AND FINISH ELEVATIONS TO MATCH THROUGHOUT EXISTING.		DESIGNER INFORMATION DARRYL REGIMBAL 206 HOWARD CRESCENT ORANGEVILLE, ONTARIO CANADA, L9B 4J8 darryl@designservice.ca BCIN QUALIFICATION: 978411 BUILDINGS DESIGNER BCIN: 36920 FIRM BCIN: 38816	
BUILDER INFORMATION CLEARWATER BUILDERS IVAN BEAUCHAMP TEMAGAMI, ONTARIO ivan@clearwaterbuilders.ca T05.648.8144		DESIGNER INFORMATION DARRYL REGIMBAL 206 HOWARD CRESCENT ORANGEVILLE, ONTARIO CANADA, L9B 4J8 darryl@designservice.ca BCIN QUALIFICATION: 978411 BUILDINGS DESIGNER BCIN: 36920 FIRM BCIN: 38816	
REVISIONS/FILE NOTES: ① DRAWINGS RELEASED FOR PERMIT		DATE 05/11/19 PROJECT INFORMATION: DRAWING TITLE: A5 NOTED DRAWING DATE: NOVEMBER 5, 2019 DRAWING SCALE: 3/16" = 1'-0" PROJECT NAME: WOLSTENHOLME RESIDENCE TOOLS, NOTE: ADDITION TO EXISTING COTTAGE LOT	
THE UNDERSIGNED HAS REVIEWED AND TAKES RESPONSIBILITY FOR THIS DESIGN AND HAS THE QUALIFICATIONS AND MEETS THE REQUIREMENTS SET OUT IN THE ONTARIO BUILDING CODE TO BE A DESIGNER QUALIFICATION INFORMATION REQUIRED UNLESS THE DESIGN IS EXEMPT UNDER DIVISION C 3.2.5.1. OF THE 2015 O.B.C. DARRYL REGIMBAL 36920 NAME SIGNATURE BCIN		DRAWING NO. 	
QUALIFICATION INFORMATION REQUIRED UNLESS THE DESIGN IS EXEMPT UNDER DIVISION C 3.2.5.1. OF THE 2015 O.B.C. DARRYL REGIMBAL 36920 NAME SIGNATURE BCIN		QUALIFICATION INFORMATION REQUIRED UNLESS THE DESIGN IS EXEMPT UNDER DIVISION C 3.2.5.1. OF THE 2015 O.B.C. DARRYL REGIMBAL 36920 NAME SIGNATURE BCIN	



Legend

	Building as Symbol
	Building to Scale
	Airport
	Heliport \ Hospital Heliport
	Seaplane Base
	Ferry Route
	Trail Head \ Trail
	Railway \ Train Station
	Railway with Bridge
	Railway with Tunnel
	Road (Major -> Minor)
	Winter Road
	Road with Bridge
	Road with Tunnel
	Primary, Kings or 400 Series Highway
	Secondary Highway
	Tertiary Highway
	District, County, Regional or Municipal Road
	Toll Highway
	One Way Road
	Road with Permanent Blocked Passage
	Road with Address Ranges
	Hydro Line, Communication Line or Unknown Transmission Line
	Natural Gas Pipeline, Water Pipeline or Unknown Pipeline
	Spot Height
	Index Contour
	Contour
	Wooded Area
	Wetland
	Waterbody
	Waterbody Elevation
	Watercourse
	Falls
	Rapids
	Rapids \ Falls
	Rocks
	Lock Gate
	Dam \ Hydro Wall
	Provincial \ State Boundary
	International Boundary
	Upper Tier \ District Municipal Boundary
	Lower Tier \ Single Tier Municipal Boundary
	Lot Line
	Indian Reserve
	Provincial Park
	National Park
	Conservation Reserve
	Military Lands

0 3.5 km

Projection: Web Mercator



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Legend

	Building as Symbol
	Building to Scale
	Airport
	Helipoint \ Hospital Helipoint
	Seaplane Base
	Ferry Route
	Trail Head \ Trail
	Railway \ Train Station
	Railway with Bridge
	Railway with Tunnel
	Road (Major -> Minor)
	Winter Road
	Road with Bridge
	Road with Tunnel
	Primary, Kings or 400 Series Highway
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	Tertiary Highway
	District, County, Regional or Municipal Road
	Toll Highway
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	Wetland
	Waterbody
	Waterbody Elevation
	Watercourse
	Falls
	Rapids
	Rapids \ Falls
	Rocks
	Lock Gate
	Dam \ Hydro Wall
	Dam \ Hydro Wall
	Provincial \ State Boundary
	International Boundary
	Upper Tier \ District Municipal Boundary
	Lower Tier \ Single Tier Municipal Boundary
	Lot Line
	Indian Reserve
	Provincial Park
	National Park
	Conservation Reserve
	Military Lands

0 0.1 km

Projection: Web Mercator



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Legend

	Building as Symbol
	Building to Scale
	Airport
	Helipoint \ Hospital Helipoint
	Seaplane Base
	Ferry Route
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	Railway with Bridge
	Railway with Tunnel
	Road (Major -> Minor)
	Winter Road
	Road with Bridge
	Road with Tunnel
	Primary, Kings or 400 Series Highway
	Secondary Highway
	Tertiary Highway
	District, County, Regional or Municipal Road
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	Rapids
	Rapids \ Falls
	Rocks
	Lock Gate
	Dam \ Hydro Wall
	Provincial \ State Boundary
	International Boundary
	Upper Tier \ District
	Municipal Boundary
	Lower Tier \ Single Tier Municipal Boundary
	Lot Line
	Indian Reserve
	Provincial Park
	National Park
	Conservation Reserve
	Military Lands

0 0.1 km

Projection: Web Mercator



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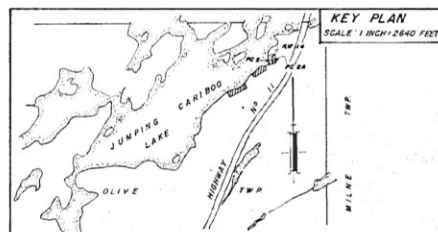
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OWNER'S CERTIFICATE

LOTS 1 TO 10, INCLUSIVE AS DESIGNATED WITHIN THE AREA OF SURVEY OUTLINED, HAVE BEEN LAID OUT IN ACCORDANCE WITH INSTRUCTIONS.

G. H. U. SATLY
DEPUTY MINISTER OF LANDS AND FORESTS



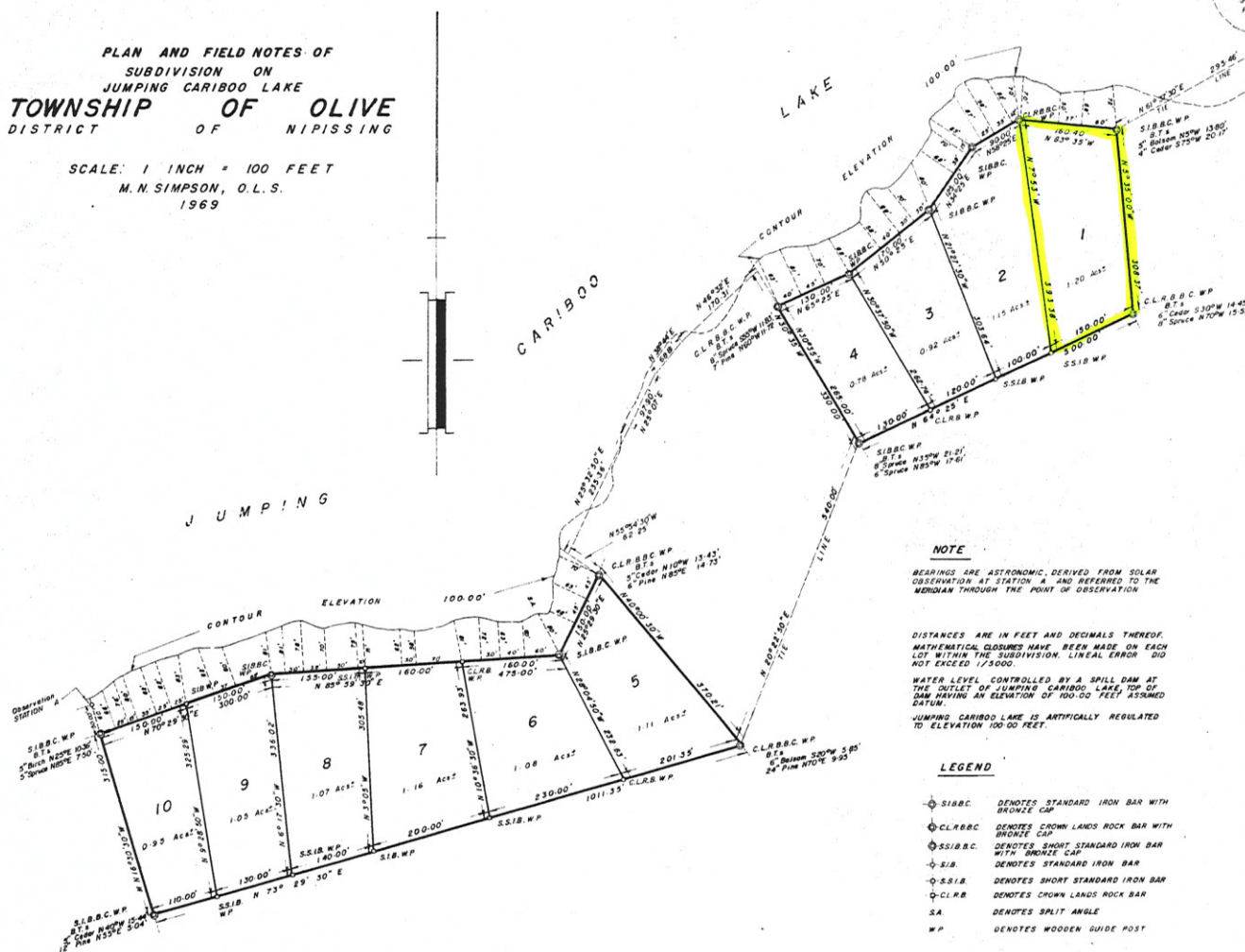
PLAN M-411

PLAN M-411 REGISTERED 14 APRIL 1970
AND ENTERED ON PARCEL 22290 S.I.P.
VOL. 140

S. Simpson
MASTER OF TITLES

PLAN AND FIELD NOTES OF SUBDIVISION ON JUMPING CARIBOO LAKE TOWNSHIP OF OLIVE DISTRICT OF NIPISSING

SCALE: 1 INCH = 100 FEET
M. N. SIMPSON, O.L.S.
1969



SURVEYOR'S CERTIFICATE

- I HEREBY CERTIFY:
1. THAT THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE THEREUNDER,
 2. THAT I WAS PRESENT AT AND DID PERSONALLY SUPERVISE THE SURVEY REPRESENTED BY THIS PLAN,
 3. THAT THIS PLAN CONTAINS A TRUE COPY OF THE FIELD NOTES OF SURVEY,
 4. THAT THE SURVEY WAS COMPLETED ON THE 25th DAY OF SEPTEMBER, 1969.

NORTH BAY, ONTARIO,
OCTOBER 1st, 1969.

M. N. Simpson
M. N. SIMPSON
ONTARIO LAND SURVEYOR

NOTE

BEARINGS ARE ASTRONOMIC, DERIVED FROM SOLAR OBSERVATION AT STATION A AND REFERRED TO THE MERIDIAN THROUGH THE POINT OF OBSERVATION.

DISTANCES ARE IN FEET AND DECIMALS THEREOF. MATHEMATICAL CLOSURES HAVE BEEN MADE ON EACH LOT WITHIN THE SUBDIVISION. LINEAL ERROR DID NOT EXCEED 1/3000.

WATER LEVEL CONTROLLED BY A SPILL DAM AT THE OUTLET OF JUMPING CARIBOO LAKE, TOP OF DAM HAVING AN ELEVATION OF 100.00 FEET, ASSUMED DATUM.

JUMPING CARIBOO LAKE IS ARTIFICIALLY REGULATED TO ELEVATION 100.00 FEET.

LEGEND

- S.I.B.C. DENOTES STANDARD IRON BAR WITH BRONZE CAP
- C.L.R.B.C. DENOTES CROWN LANDS ROCK BAR WITH BRONZE CAP
- S.S.I.B.C. DENOTES SHORT STANDARD IRON BAR WITH BRONZE CAP
- S.I.B. DENOTES STANDARD IRON BAR
- S.S.I.B. DENOTES SHORT STANDARD IRON BAR
- C.L.R.B. DENOTES CROWN LANDS ROCK BAR
- SA DENOTES SPLIT ANGLE
- WP DENOTES WOODEN GUIDE POST

Approved under Section 28 of
THE PLANNING ACT.

The 14th day of March 1970
W. Darcy Jackson
MINISTER OF MUNICIPAL AFFAIRS

ONTARIO
DEPARTMENT OF LANDS AND FORESTS
LANDS AND SURVEYS BRANCH

SURVEYED UNDER INSTRUCTIONS DATED JULY 14th, 1969
FROM THE HONOURABLE THE MINISTER OF LANDS AND FORESTS

APPROVED
Robert S. Cook, Surveyor General
MARCH 11, 1970

FILE 180823



Ministry of
Natural
Resources

Ontario

PROVINCE OF ONTARIO
MINISTRY OF NATURAL RESOURCES
GRANT OF EASEMENT

NO. 922

THIS INDENTURE made in duplicate the first day of November in the year of Our Lord two thousand and twelve pursuant to the Public Lands Act,

BETWEEN:

BS111122

THE MINISTER OF NATURAL RESOURCES
for the Province of Ontario,
hereinafter called the "Grantor",

JAN 22 2013 10:49

NUMBER: BS111122
Certificate of Receipt
Certificat de Recepisse

OF THE FIRST PART;

- and -

Katherine Cee

Land Registrar/Registreur
Nipissing #36 North Bay

HYDRO ONE NETWORKS INC.,
incorporated under the laws of
Ontario, hereinafter called the
"Grantee",

OF THE SECOND PART;

WITNESSETH that under the Public Lands Act and in consideration of the sum of ONE THOUSAND DOLLARS (\$1,000.00) now paid by the Grantee to the Minister of Finance of Ontario, the receipt whereof is hereby acknowledged, and the covenants and agreements hereinafter contained on the part of the Grantee to be observed and performed, the Grantor doth hereby grant, convey, transfer, and confirm unto the Grantee, its successors and assigns, as and from the first day of July, 2012, the right, licence, liberty, privilege and easement on, over, under and through the public lands situate, lying and being in the Geographic Township of Olive, in the Municipality of Temagami, in the Territorial District of Nipissing and Province of Ontario, being more particularly described in Schedule "A" attached hereto, and which public lands are hereinafter referred to as the "right-of-way" to lay down, construct, operate, maintain, inspect, patrol, alter, remove, replace, re-locate, re-construct and remove at any time and from time to time, an electrical distribution line hereinafter referred to as the "works", on the following terms and conditions which are hereby mutually covenanted and agreed to by and between the Grantor and the Grantee:

1. The right, licence, liberty, privilege and easement hereby granted shall continue in perpetuity or until the Grantee shall surrender, execute and deliver a transfer and release thereof.
2. Subject to the rights granted herein to the Grantee, Her Majesty the Queen in right of Ontario shall have charge of the administration, management, sale and disposition of the land and shall have the right to fully use and enjoy it.
3. (1) Where Her Majesty the Queen in right of Ontario makes a disposition of public lands comprising in whole or in part, any part of the right-of-way, the person to whom the disposition is made, his heirs, executors, administrators, successors and assigns, or any of them may use the surface layer of land,
 - (a) for the growing of crops and the grazing of live-stock;
 - (b) with the consent of the Grantee, for the purpose of a road, trail or lane crossing the right-of-way or any other crossing, provided that where the right-of-way is owned by a municipal corporation, commission, public utility or other agency or authority of a public nature, the consent of the Grantee shall not be required except as to the location thereof.
 - (c) for any purpose consistent with municipal zoning.
- (2) The owner or lessee of the mines or minerals lying in, on or under the right-of-way may work and prospect for mines or minerals, provided that the safe operation of the works of the Grantee is not interfered with or endangered.
4. The Grantee agrees to restore at its own expense the right-of-way to its approximate condition as the same existed immediately prior to the installation of the works and to restore all fences damaged during such installation or during any subsequent operations by the Grantee, to the satisfaction of the Grantor so far as is consistent with the use of the easement hereby granted and the Grantee will compensate the Grantor for any trees, shrubs, and crops or any of them destroyed or fences not restored at a valuation determined by the Grantor.
5. The Grantee will compensate Her Majesty the Queen in right of Ontario for any loss, damage or expense resulting from, caused by or in any manner connected with the exercise of the rights granted herein or which would not have happened but for the existence of the works or this easement, provided that the obligation to compensate Her Majesty shall not apply if a court of competent jurisdiction has ruled that such loss, damage or expense is attributable to the acts of the Grantor, Her Majesty the Queen in right of Ontario, Her officers, servants and agents or any of them, in deliberate or reckless disregard for the rights granted herein.

6. Notwithstanding any rule of law or equity, the works shall at all times remain the property of the Grantee notwithstanding that the same may be annexed or affixed to the land and shall at any time and from time to time be removable in whole or in part by the Grantee, its successors and assigns.
7. In the event that the Grantee abandons the works, the Grantee may, with the consent of the Grantor, leave any part thereof in place.
8. The Grantee performing and observing the covenants and conditions on its part to be performed and observed, shall and may peaceably hold and enjoy the rights, liberties, privileges and easement hereby granted, without let, hindrance, molestation or interruption on the part of the Grantor or of any person claiming by, through, under or in trust for the Grantor.
9. All notices to be given hereunder may be given by registered letter, addressed to the Grantee at

185 Clegg Road
Markham, Ontario
L6G 1B7,

or to the Grantor at

Ministry of Natural Resources
North Bay District Office
3301 Trout Lake Road
North Bay, Ontario
P1A 4L7

or such other address as the Grantor or Grantee may respectively, from time to time designate by letter, and any such notice shall be deemed to have been given to and received by the addressee three days after mailing thereof, postage prepaid and registered.

10. The right, licence, liberty, privilege and easement herein granted are hereby declared to be appurtenant to the lands of the Grantee situate, lying and being in the City of Toronto and Province of Ontario, being more particularly described in Schedule "B" attached hereto.
11. The Grantee covenants to indemnify, keep indemnified and save harmless the Grantor, Her Majesty the Queen in right of Ontario, Her officers, servants and agents or any of them, hereinafter collectively referred to as "the Grantor" from and against all claims, demands, costs, suits, actions or proceedings, causes of action, loss, damage, expense or injury including death, of any nature or kind whatsoever, resulting from, caused by or in any manner connected with the exercise of any right granted herein or which would not have happened but for the existence of the works or this easement, and the Grantee hereby waives, releases and forever discharges, the Grantor from all claims, demands, costs, suits, actions or proceedings, causes of action, loss, damage, expense or injury including death, of any nature or kind whatsoever, which the Grantee has or hereafter shall or may have resulting from, caused by or in any manner connected with the exercise of any right granted herein or which would not have happened but for the existence of the works or this easement, provided that the indemnity

SCHEDULE 'A'

Part of Location CL 16225,
Being part of and within the unsubdivided
Geographic Township of Olive,
Lying in front of Lot 1 Registered Plan M-411,
Municipality of Temagami,
Territorial District of Nipissing,
Containing 0.002 hectares, more or less,
Designated as Part 2 on Reference Plan 36R-13010.

SCHEDULE B

BENEFITTED LANDS:

Firstly: The whole of Parcel 12-6 in the Register for Section A-45, being that part of Unit 1 according to Plan D-282, designated as Parts 9, 10, 11, 12, 13, 14, 15, 17, 19, 22, 23, 24 and 25 and according to Plan of Survey of Record filed in the said Land Registry Office as No. 66R-10829;

Secondly: The whole of Parcel James Street-1 in the Register for Section A-45 being part of James Street according to Plan 45 registered in the Land Registry Office for the Registry Division of Toronto (No.63) closed by By-law 207-79 of The Corporation of the City of Toronto, registered in the said Land Registry Office as Instrument CT367002 (A824550), and part of the lane lying immediately to the east of Lots 1, 2, 3 and 4 on the east side of Terauley Street, now Bay Street, according to Plan 220 registered in the aforesaid Land Registry Office, closed by By-law 206-79 of The Corporation of the City of Toronto, registered in the said Land Registry Office as Instrument CT357762 (A824549), designated as Parts 1 and 2 on a Plan of Survey of Record in the Land Registry Office for the Land Titles Division of Toronto and York South (No.66) at Toronto as Plan 66R-11636;

Thirdly: The whole of Parcel 131-1 in the Register for Section A-45 being those parts of Lots 131, 132 and 133 according to Plan 45, registered in the Land Registry Office for the Registry Division of Toronto (No.63) designated as Part 1 on a Plan of Survey of Record in the Land Registry Office - Land Titles Division of Toronto and York South (No.66) - at Toronto as 66R-8769 and further designated according to the aforesaid Plan of Survey of Record filed in the said Land Registry Office as No. 66R-10829 as part 18;

Fourthly: The whole of Parcel 1-2 in the Register for Section A-220, being parts of Lots 1, 2, 3 and 4 on the east side of Bay Street, formerly Terauley Street according to a Plan 220 registered in the Land Registry Office for the Registry Division of Toronto (No.63) designated as Part 16 of Plan 66R-10829 in the City of Toronto

The said four Parcels are all in the City of Toronto.

and release herein shall not apply if a court of competent jurisdiction has ruled that such claims, demands, costs, suits, actions or proceedings, causes of action, loss, damage, expense or injury including death, of any nature or kind whatsoever are attributable to acts of the Grantor in deliberate or reckless disregard for the rights granted herein.

12. The rights, liberties, privileges and easement hereby granted are and shall be of the same force and effect to all intents and purposes as a covenant running with the land, and this Indenture, including all the covenants and conditions herein contained, shall extend to, be binding upon and enure to the benefit of the successors and assigns of the parties hereto respectively.

IN WITNESS WHEREOF the parties hereto have hereunto set their hands and seals.



SA Steven Ferguson
Provincial Lands Specialist - Crown Land Registry
Land and Water Services Section
Ministry of Natural Resources
for and on behalf of the
Minister of Natural Resources

HYDRO ONE NETWORKS INC.

BY: 

R.G. Thomson
Acquisition and Special Projects Supervisor
Real Estate Services
Hydro One Networks Inc.

AND: _____

I have authority to bind
the Corporation.

Grant of Easement No. 922

Main Office File No. 180623

Hydro One Networks Inc.
LVR Clerks, Real Estate Services
P.O. Box 4300
Markham, Ontario
L3R 5Z5

**Ontario**

Refer to instructions on reverse side.

Ministry of Finance

Motor Fuels and
Tobacco Tax Branch
PO Box 625
33 King Street West
Oshawa ON L1H 8H9Property Identifier(s) No. **Land Transfer Tax Affidavit**
Land Transfer Tax Act

In the Matter of the Conveyance of (insert brief description of land) Part of Location CL 16225, Being Part of and within the unsubdivided Geographic Township of Olive, Lying in Front of Lot 1, Registered Plan M-411, Municipality of Temagami, Territorial District of Nipissing, Containing 0.002 Hectares, more or less, Designated as Part 2, on Reference Plan 36R-13010.

BY (print names of all transferors in full) MINISTER OF NATURAL RESOURCES for the Province of OntarioTO (print names of all transferees in full) HYDRO ONE NETWORKS INCI ROBERT S. THOMSON

have personal knowledge of the facts herein deposed to and Make Oath and Say that:

1. I am (place a clear mark within the square opposite the following paragraph(s) that describe(s) the capacity of the deponents):

- ☐ (a) the transferee named in the above-described conveyance;
- ☐ (b) the authorized agent or solicitor acting in this transaction for the transferee(s);
- ☒ (c) ~~IN THE NAME OF THE CHIEF OF SECTORS, REGIONAL DEPARTMENT OF~~ Manager authorized to act for HYDRO ONE NETWORKS INC. (the transferee(s));
- ☐ (d) a transferee and am making this affidavit on my own behalf and on behalf of (insert name of spouse or same-sex partner) _____ who is my spouse or same-sex partner.
- ☐ (e) the transferor or an officer authorized to act on behalf of the transferor company and ☐ I am tendering this document for registration and ☐ no tax is payable on registration of this document.

2. THE TOTAL CONSIDERATION FOR THIS TRANSACTION IS ALLOCATED AS FOLLOWS:

- | | | | |
|--|----|-----------------|---|
| (a) Monies paid or to be paid in cash | \$ | <u>1000.00*</u> | All blanks must be filled in.
Insert "Nil" where applicable. |
| (b) Mortgages (i) Assumed (principal and interest) | \$ | <u>Nil</u> | |
| (ii) Given back to vendor | \$ | <u>Nil</u> | |
| (c) Property transferred in exchange (detail below in paragraph 5) | \$ | <u>Nil</u> | |
| (d) Other consideration subject to tax (detail below) | \$ | <u>Nil</u> | |
| (e) Fair market value of the lands (see instruction 2) | \$ | <u>Nil</u> | |
| (f) Value of land, building, fixtures and goodwill subject to Land Transfer Tax (Total of (a) to (e)) | \$ | <u>1000.00*</u> | \$ <u>1000.00*</u> |
| (g) Value of all chattels - items of tangible personal property which are taxable under the provisions of the Retail Sales Tax Act | \$ | <u>Nil</u> | |
| (h) Other consideration for transaction not included in (f) or (g) above | \$ | <u>Nil</u> | |
| (i) Total Consideration | \$ | <u>1000.00*</u> | |

3. To be completed where the value of the consideration for the conveyance exceeds \$400,000.00

I have read and considered the definition of "single family residence" set out in subsection 1(1) of the Act. The land conveyed in the above-described conveyance:

- ☐ does not contain a single family residence or contains more than two single family residences;
- ☐ contains at least one and not more than two single family residences; or
- ☐ contains at least one and not more than two single family residences and the lands are used for other than just residential purposes. The transferee has accordingly apportioned the value of consideration on the basis that the consideration for the single family residence is \$ _____ and the remainder of the lands are used for _____ purposes.

Note: Subsection 2(1)(b) imposes an additional tax at the rate of one-half of one percent upon the value of consideration in excess of \$400,000.00 where the conveyance contains at least one and not more than two single family residences and 2(2) allows an apportionment of the consideration where the lands are used for other than just residential purposes.

4. If the consideration is nominal, is the land subject to any encumbrance? ☐ Yes ☒ No
5. Other remarks and explanations, if necessary. This Transfer of Easement is given for the purpose of transmitting electrical energy. No consideration is passing directly or indirectly. *The payment is an administration fee and no Land Transfer Tax is payable

Sworn/affirmed before me in the Town of Markham

In the Province of Ontario

this 6th day of June, 2012

Melissa Faye Kotsios, a Commissioner, O.C.B.,
Province of Ontario,
for Hydro One Networks Inc.
Expires April 6, 2016.

A Commissioner for taking Affidavits, etc.

Robert S. Thomson
 Acquisition and Special Projects Supervisor
 Real Estate Services
 Hydro One Networks Inc.
 I have Authority to Bind the Corporation

Property Information Record

- A. Describe nature of instrument: TRANSFER OF EASEMENT
- B. (i) Address of property being conveyed (if available) N/A
- (ii) Assessment Roll No. (if available) N/A
- C. Mailing address(es) for future Notices of Assessment under the Assessment Act for property being conveyed
185 Clegg Road, Markham, ON, L6G 1B7
- D. (i) Registration number for last conveyance of property being conveyed (if available) N/A
- (ii) Legal description of property conveyed: Same as in D.(i) above. ☐ Yes ☒ No ☐ Not Known
- E. Name(s) and address(es) of each transferee's solicitor:
Hydro One Networks Inc., 483 Bay Street, Toronto, ON, M5G 2P5

For Land Registry Office Use Only

Registration No.
Registration Date (Year/Month/Day)
Land Registry Office No.

School Support (Voluntary Election) (See reverse for explanation)

- (a) Are all individual transferees Roman Catholic? ☐ Yes ☐ No
- (b) If Yes, do all individual transferees wish to be Roman Catholic Separate School Supporters? ☐ Yes ☐ No
- (c) Do all individual transferees have French Language Education Rights? ☐ Yes ☐ No
- (d) If Yes, do all individual transferees wish to support the French Language School Board (where established)? ☐ Yes ☐ No

Note: As to (c) and (d) the land being transferred will receive French Public School Board Election unless otherwise directed in (a) and (b).

Document prepared by Hydro One Networks Inc., Real Estate Services, Toronto, Ontario



Refer to instructions on reverse side.

Ministry of Finance

Motor Fuels and
Tobacco Tax Branch
P.O. Box 625
33 King Street West
Oshawa ON L1H 9H9

Property Identifier(s) No. _____

Land Transfer Tax Affidavit
Land Transfer Tax Act

In the Matter of the Conveyance of (insert brief description of land) Part of Location CL 16225, Being Part of and within the unsubdivided Geographic Township of Olive, Lying in Front of Lot 1, Registered Plan M-411, Municipality of Temagami, Territorial District of Nipissing, Containing 0.002 Hectares, more or less, Designated as Part 2, on Reference Plan 36R-13010.

BY (print names of all transferors in full) MINISTER OF NATURAL RESOURCES for the Province of Ontario

TO (print names of all transferees in full) HYDRO ONE NETWORKS INC.

ROBERT S. THOMSON

have personal knowledge of the facts herein deposed to and Make Oath and Say that:

1. I am (place a clear mark within the square opposite the following paragraph(s) that describe(s) the capacity of the deponents):

- ☐ (a) the transferee named in the above-described conveyance;
- ☐ (b) the authorized agent or solicitor acting in this transaction for the transferee(s);
- ☒ (c) ~~the President, Vice-President, Secretary, Treasurer, Director or Manager~~ authorized to act for HYDRO ONE NETWORKS INC. (the transferee(s));
- ☐ (d) a transferee and am making this affidavit on my own behalf and on behalf of (insert name of spouse or same-sex partner) _____ who is my spouse or same-sex partner.
- ☐ (e) the transferor or an officer authorized to act on behalf of the transferor company and ☐ I am tendering this document for registration and ☐ no tax is payable on registration of this document.

2. THE TOTAL CONSIDERATION FOR THIS TRANSACTION IS ALLOCATED AS FOLLOWS:

- | | | | | |
|--|----|-----------------|--|-----------------|
| (a) Monies paid or to be paid in cash | \$ | <u>1000.00*</u> | All blanks must be filled in. Insert "Nil" where applicable. | |
| (b) Mortgages (i) Assumed (principal and interest) | \$ | <u>Nil</u> | | |
| (ii) Given back to vendor | \$ | <u>Nil</u> | | |
| (c) Property transferred in exchange (detail below in paragraph 6) | \$ | <u>Nil</u> | | |
| (d) Other consideration subject to tax (detail below) | \$ | <u>Nil</u> | | |
| (e) Fair market value of the lands (see instruction 2) | \$ | <u>Nil</u> | | |
| (f) Value of land, building, fixtures and goodwill subject to Land Transfer Tax (Total of (a) to (e)) | \$ | <u>1000.00*</u> | \$ | <u>1000.00*</u> |
| (g) Value of all chattels - items of tangible personal property which are taxable under the provisions of the Retail Sales Tax Act | \$ | <u>Nil</u> | | |
| (h) Other consideration for transaction not included in (f) or (g) above | \$ | <u>Nil</u> | | |
| (i) Total Consideration | \$ | <u>1000.00*</u> | | |

3. To be completed where the value of the consideration for the conveyance exceeds \$400,000.00

I have read and considered the definition of "single family residence" set out in subsection 1(1) of the Act. The land conveyed in the above-described conveyance:

- ☐ does not contain a single family residence or contains more than two single family residences;
- ☐ contains at least one and not more than two single family residences; or
- ☐ contains at least one and not more than two single family residences and the lands are used for other than just residential purposes. The transferee has accordingly apportioned the value of consideration on the basis that the consideration for the single family residence is \$ _____ and the remainder of the lands are used for _____ purposes.

Note: Subsection 2(1)(b) imposes an additional tax at the rate of one-half of one percent upon the value of consideration in excess of \$400,000.00 where the conveyance contains at least one and not more than two single family residences and 2(2) allows an apportionment of the consideration where the lands are used for other than just residential purposes.

4. If the consideration is nominal, is the land subject to any encumbrance? ☐ Yes ☒ No

5. Other remarks and explanations, if necessary. This Transfer of Easement is given for the purpose of transmitting electrical energy. No consideration is passing directly or indirectly. *The payment is an administration fee and no Land Transfer Tax is payable

Sworn/affirmed before me in the Town of Markham

In the Province of Ontario

this 6th day of June, 2012

M. Kozlos
A Commissioner for taking Affidavits, etc.

Melissa Faye Kozlos, a Commissioner, etc.,
Province of Ontario,
for Hydro One Networks Inc.
Expires April 6, 2015.

Robert S. Thomson
Signature(s)
Robert S. Thomson
Acquisition and Special Projects Supervisor
Real Estate Services
Hydro One Networks Inc.
I have Authority to Bind the Corporation

Property Information Record

A. Describe nature of instrument: TRANSFER OF EASEMENT

B. (i) Address of property being conveyed (if available) N/A

(ii) Assessment Roll No. (if available) N/A

C. Mailing address(es) for future Notices of Assessment under the Assessment Act for property being conveyed
185 Clegg Road, Markham, ON, L6G 1B7

D. (i) Registration number for last conveyance of property being conveyed (if available) N/A

(ii) Legal description of property conveyed: Same as in D.(i) above. ☐ Yes ☒ No ☐ Not Known

E. Name(s) and address(es) of each transferee's solicitor:

Hydro One Networks Inc., 483 Bay Street, Toronto, ON, M5G 2P5

School Support (Voluntary Election) (See reverse for explanation)

- | | | |
|---|--------------------------|--------------------------|
| (a) Are all individual transferees Roman Catholic? | Yes | No |
| (b) If Yes, do all individual transferees wish to be Roman Catholic Separate School Supporters? | <input type="checkbox"/> | <input type="checkbox"/> |
| (c) Do all individual transferees have French Language Education Rights? | <input type="checkbox"/> | <input type="checkbox"/> |
| (d) If Yes, do all individual transferees wish to support the French Language School Board (where established)? | <input type="checkbox"/> | <input type="checkbox"/> |

Note: As to (c) and (d) the land being transferred will receive French Public School Board Election unless otherwise directed in (a) and (b).

SCHEDULE						
PART	MINING CLAIM	LOCATION	AREA (ha.)	PIN/INST./CROWN	RIGHTS AVAILABLE	REMARKS
1	-	PART OF SHORE RESERVE IN FRONT OF LOT 1, REGISTERED PLAN M-411	0.002±	CROWN	-	-
2	-		0.093±	CROWN	-	-
TOTAL AREA			0.095±			
GEOGRAPHIC TOWNSHIP OF OLIVE (UNSUBDIVIDED)						

I REQUIRE THIS PLAN TO
BE DEPOSITED UNDER
THE LAND TITLES ACT.

FEBRUARY 7th, 2011.
DATE

P. A. Blackburn
P. A. BLACKBURN
ONTARIO LAND SURVEYOR

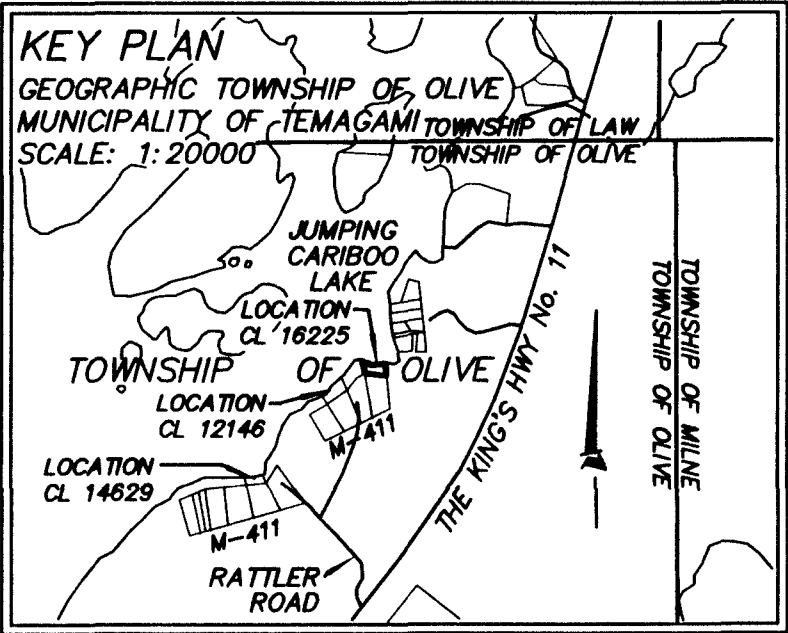
PLAN 36R-13010

RECEIVED AND DEPOSITED

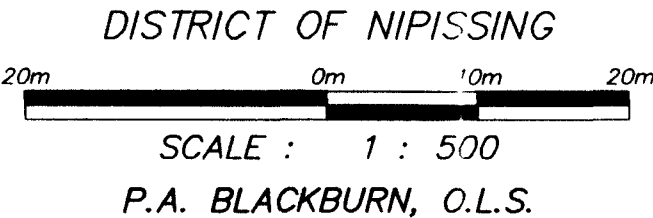
Feb 8/2011
DATE

Spencer
ASS'T DEPUTY LAND REGISTRAR
FOR THE LAND TITLES
DIVISION OF NIPISSING.

PERMISSION TO DEPOSIT THIS PLAN OF SURVEY OF CROWN
LAND WAS GIVEN BY THE SURVEYOR GENERAL OF ONTARIO
ON THE 7th DAY OF FEBRUARY, 2011.



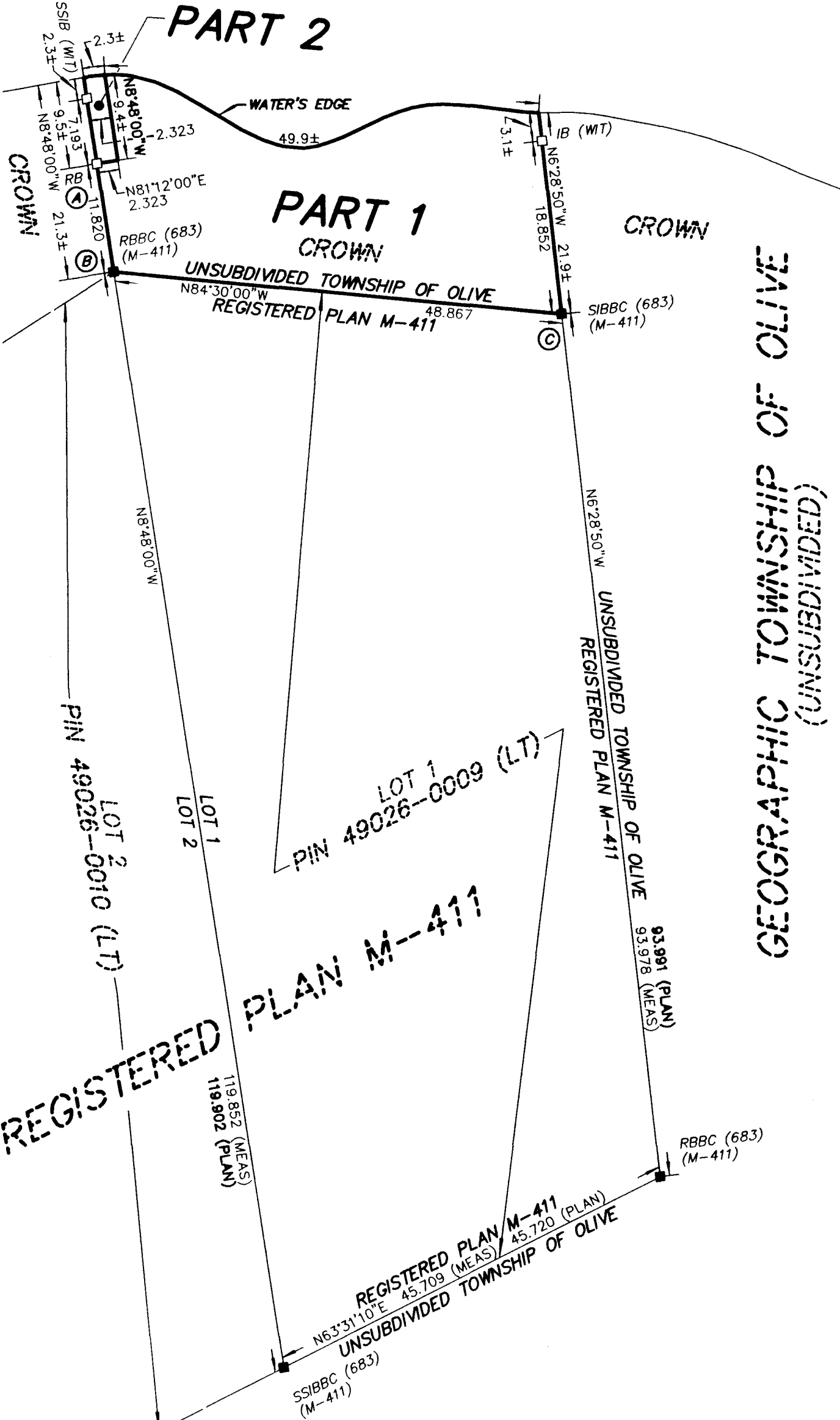
PLAN OF SURVEY OF LOCATION CL 16225
BEING IN FRONT OF
LOT 1, REGISTERED PLAN M-411
GEOGRAPHIC TOWNSHIP OF OLIVE
(UNSUBDIVIDED)
MUNICIPALITY OF TEMAGAMI



HORIZONTAL CONTROL MONUMENTS USED TO INTEGRATE SURVEY		
POINT ID	NORTHING	EASTING
0011958U2940	5192067.962	593921.802
0011993U716	5190978.093	593411.805

POINT ID	NORTHING	EASTING
Ⓐ	5192691.799	593960.543
Ⓑ	5192680.122	593962.350
Ⓒ	5192675.436	594010.975

ALL COORDINATES ARE IN METRES, ARE RELATED TO UTM ZONE 17
(81° W) NAD83 (CSRS) (1997.0) AND HAVE A RELATIVE ACCURACY
TO MEET THE REQUIREMENTS OF REMOTE AREA AT A
95% CONFIDENCE LEVEL.



UNIT NOTE

DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND
CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

LEGEND

PLAN - DENOTES REGISTERED PLAN M-411
683 - DENOTES M.N. SIMPSON, O.L.S.
UTM - DENOTES UNIVERSAL TRANSVERSE MERCATOR GRID SYSTEM
WB - DENOTES WITNESS MONUMENT
■ - DENOTES MONUMENT ORIGINATING FROM
PRIOR LEGAL SURVEY
□ - DENOTES MONUMENT ORIGINATING FROM
CURRENT SURVEY

SCALE FACTOR NOTE

DISTANCES ON THIS PLAN ARE HORIZONTAL GROUND DISTANCES
AND CAN BE CONVERTED TO GRID DISTANCES BY MULTIPLYING BY
THE AVERAGE COMBINED SCALE FACTOR OF 0.99966.

WATER'S EDGE NOTE

JUMPING CARIBOO LAKE IS REGULATED BY A WEIR AT ITS OUTLET. THE WEIR WAS
ESTABLISHED TO MAINTAIN WATER ELEVATIONS FOR EXTENDED PERIODS OF TIME.

THE CURRENT WATER'S EDGE IS CONSIDERED TO BE THE BEST AVAILABLE EVIDENCE
OF THE WATER'S EDGE EXISTING AT THE TIME OF THE ORIGINAL SURVEY OF
JUMPING CARIBOO LAKE.

THE WATERSIDE LIMIT OF PART 1 IS THE AMBULATORY LIMIT OF JUMPING CARIBOO LAKE.

CONVERGENCE NOTE

FOR BEARING COMPARISONS, A COUNTERCLOCKWISE ROTATION OF 0°53'50"
WAS APPLIED TO REGISTERED PLAN M-422 BEARINGS TO CONVERT TO
UTM BEARINGS.

BEARING NOTE

BEARINGS ARE UTM GRID DERIVED FROM TOTAL STATION TRAVERSE BETWEEN
EXISTING CONTROL MONUMENTS No.0011953U2940 AND No.0011993U716
HAVING A GRID BEARING OF N25°04'37"E, AND ARE REFERRED TO THE CENTRAL
MERIDIAN OF UTM ZONE 17 (81° W LONGITUDE) NAD83 (CSRS) (1997.0).

SURVEYOR'S CERTIFICATE

I CERTIFY THAT:

- THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH
THE SURVEYS ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT
AND THE REGULATIONS MADE UNDER THEM;
- THE SURVEY WAS COMPLETED ON THE 7th DAY OF OCTOBER, 2010.
- THIS PLAN AND FIELD NOTES WAS PREPARED FROM AN ACTUAL SURVEY
PERFORMED UNDER MY PERSONAL SUPERVISION AND I WAS PRESENT ON THE
SITE DURING THE PROGRESS OF THIS SURVEY.

NORTH BAY, ONTARIO
OCTOBER 20th, 2010.

P. A. Blackburn
P. A. BLACKBURN
ONTARIO LAND SURVEYOR

P.A. BLACKBURN LIMITED
ONTARIO LAND SURVEYORS

FIELD	OFFICE	FILE
PAB, LGS, CW	RFL	10510



Artist: Hugh McKenzie, Temagami

Clearwater Planning Inc.

Karen Beauchamp, MCIP, RPP, CMO

Box 451 Temagami ON P0H 2H0

Email: karen@clearwaterplanning.ca

Phone: 705 358 9941 (c)

Minor Variance Application Planning Report

Date: December 17, 2019

Applicants: Rob and Lynne Wolstenholme

Subject Land: 61 Rattler Road

Legal Description:

PIN 49026-0009 LT Parcel 1-1 Sec 36M411 Summer Resort L1 PI M411 Olive, Temagami, District of Nipissing

PIN 49026-0057 Surface Rights Only Location CL16255 Being Pt of Olive, Lying in front of Lt 1 M411 Temagami Pts 1 & 2 36R13010; Subject to an easement over Pt 2 36R13010 as in BS111122; Municipality of Temagami

Note: The following documents are attached: Parcel Register for PIN 49026-0009, Parcel Register for PIN 49026-0057; Plan 36M411, 36R13010, and BS111122 (Hydro One Easement).

Roll Number: 4869-840-000-03000-0000

Background and Purpose of the Application

Rob and Lynne Wolstenholme purchased their cottage property in 2009 (PIN 49026-0009) The property is on Jumping Cariboo Lake in Olive Township and is accessed from Highway 11 by Rattler Road. It is Lot 1 in a four-lot subdivision that was originally created by the Crown (Plan of Subdivision 36M411).

When they purchased the property, there was a 57m² cottage, 2 docks, a shed; and a Class 4 septic system that was constructed in 2001 under permit 01-228227.

Shortly after Wolstenholme's became owners of the property, they applied to purchase the Crown Reserve in front of their lot. The survey was completed in 2011 (Reference Plan 36R13010) and in 2016 ownership of the Crown Reserve was transferred to the applicants from the Crown (PIN 49026-0057). The Crown registered an

easement over Part 2 Plan 36R13010 in favour of Hydro One Networks for the pad mount transformer and hydro service to the property (Easement Agreement BS111122).

In 2011, the owners constructed a 56m² main dwelling and converted the existing cottage into a sleep cabin with a bathroom. In 2012 they obtained a Minor Variance to permit the construction of a deck on the main dwelling that was 12.2m from shore whereas the zoning by-law requires 15m; and 1.4m from the side lot line whereas the zoning by-law requires 5m (Application M-12-01). In 2016 they obtained a Minor Variance to close in the deck at the front of the main dwelling to make an enclosed porch (Application M-16-08).

The purpose of this Minor Variance application is to close in the remaining deck on the east side of the cottage to make additional living room space. The existing deck is 3.6 m x 6.7 m. The deck is located 12.2 m from shore and 1.4 m from the side lot line as approved by the Minor Variance in 2012. The 2012 Minor Variance was specifically for a deck; therefore, a new Minor Variance is required to close in the deck to make additional living room space. There will be no increase in footprint. The enclosure will be constructed on the existing deck and footings with no additional excavation required.

The cottage currently has ground floor area of 74m² (796 s.f.) With the enclosed deck the ground floor area will be 98m² (1054 s.f.). The building footprint will remain the same because the enclosed deck will be on the existing footings.

Darryl Regimbal, BCIN qualified designer with DRDesigns advises that the existing footings are built to Ontario Building Code standards and are adequate the conversion from a deck to living room space. The construction drawings are attached for the Committee's consideration.

Site Visit

A site visit was conducted on September 30, 2019 at 3pm and October 3, 2019 at 2 pm by Karen Beauchamp with the owner, Lynne Wolstenholme present. Photos were taken for the Committee's consideration. The deck that is proposed to be closed in is on the east side of the main cottage. There are no neighbours on the east side because the property abuts Crown Land. The Crown Land lot has dense vegetation that appears to be undisturbed. The boathouse and a row of mature trees are located in front of the cottage and screen the deck from the lake.

The cottage is painted dark brown and blends in with the natural environment. The enclosed porch will also be painted dark brown to match the existing cottage.

Site Analysis

The lot is 0.58 ha in area with 52.2m of water frontage on Jumping Cariboo Lake and 141.2m deep. The lot is fairly level at the lake and rises rapidly toward the rear of the lot. As shown on the topo map attached, there is a 20 m rise in elevation from the lake to the rear lot line which equals a 14% slope. The Crown Land on the south and east sides of the lot is dense bush. There is also dense bush between this lot and the neighbours property on the west side.

There is a main dwelling, sleep cabin, Class 4 septic system, water-based boathouse, 2 docks and 3 sheds. All of the buildings are painted a dark brown to blend in with the natural environment and with the exception of the

boathouse, none of the buildings are visible from the lake. The owners have done a very good job of maintaining natural trees and vegetation on the property to screen the structures from the lake.

Access and Servicing

Rattler Road is located on the west side of Highway 11. It is a private road over Crown Land and is maintained by the property owners who use the road. There is a Class 4 septic system that was installed under permit in 2001. The dwelling and sleep cabin are serviced by this septic system and both take water from the lake.

Adjacent Land Uses

North: Jumping Cariboo Lake
South: Crown Land
East: Crown Land
West: Residential

Planning Analysis

Provincial Policy Statement (2014)

1.1.5.2 On rural lands located in municipalities, permitted uses are:

- a. the management or use of resources;*
- b. resource-based recreational uses (including recreational dwellings);*
- c. limited residential development;*
- d. home occupations and home industries;*
- e. cemeteries; and*
- f. other rural land uses.*

1.1.5.3 Recreational, tourism and other economic opportunities should be promoted.

1.1.5.4 Development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted.

1.1.5.5 Development shall be appropriate to the infrastructure which is planned or available, and avoid the need for the unjustified and/or uneconomical expansion of this infrastructure.

The subject land conforms to the Provincial Policy Statement in the following ways:

- ✓ The subject land is located on rural lands within the Municipality of Temagami.
- ✓ Resource based recreational dwellings and limited residential development are permitted uses on rural lands.
- ✓ The property is compatible with the rural landscape, is accessed by a private road over crown land, has an approved onsite sewage system and takes water from the lake.
- ✓ The property also has docks and a water-based boathouse that were constructed under permit from Ministry of Natural Resources and Forestry.
- ✓ There is no requirement for expansion of infrastructure.

In my opinion the Minor Variance is consistent with the Provincial Policy Statement.

Growth Plan for Northern Ontario (2011)

The Growth Plan for Northern Ontario was developed under the Places to Grow Act to ensure greater growth occurs in an economically and environmentally sustainable manner.

In my opinion, the Minor Variance does not conflict with the Growth Plan for Northern Ontario.

Municipality of Temagami Official Plan

The subject property is located in the Marten River Neighbourhood and is designated Integrated Management Area.

6.0 Marten River Neighbourhood

6.2 Principles and Goals

6.2.1 Land Use

It is the fundamental goal of the Municipality for the Marten River Neighbourhood to encourage Tourist Commercial development throughout the Neighbourhood and rural and remote residential development in appropriate locations.

It is also a goal of the Municipality to preserve the natural environment of the Neighbourhood while permitting some development.

6.3 General Policies

6.3.2 Permitted Uses

Permitted uses in the Marten River Neighbourhood focus on recreational, residential and Tourist Commercial uses and include the following.

Residential uses permitted within the Marten River Neighbourhood are limited to:

- Permanent or seasonal single detached dwelling units;*
- Residential condominiums or timeshare facilities converted from an existing tourist commercial facility;*
- Sleep cabins (in conformity with the policies of this Plan and the provisions of the Zoning By-law); and*
- Accessory uses such as boathouses, docks and storage sheds.*

6.3.3 Rural Residential and Remote Residential

Some Rural Residential and Remote Residential development exists within the Marten River Neighbourhood and more is anticipated in the Special Management Area and the Integrated Management Area.

Properties will not be serviced with municipal water or sewers but Rural Residential lots must be located on Municipal roads while Remote Residential lots will be water access.

The development impact by existing and new lots should be mitigated to the extent possible in order to conserve wilderness and semiwilderness values.

Certain accessory uses are permitted on Remote Residential dwelling lots in addition to a boathouse and include sleep cabins, a home occupation, a home industry, a bed and breakfast establishment and a garage, in accordance with the provisions of the Zoning Bylaw.

6.4 Land Use Designations

6.4.1 Integrated Management Area

The Integrated Management Area land use designation recognises those Crown land areas and patent lands where resource management activities and recreational uses may be integrated. To achieve this, resource extraction activities shall be carefully managed to ensure compatibility with the significant uses and values.

Uses permitted within the Integrated Management Area land use designation in the Marten River Neighbourhood are limited to existing and new private residential development, in accordance with the policies of Section 6.3.3 and other relevant policies of this Plan.

Schedule B2 – Values – The Official Plan Schedule B2 indicates that there are no Natural Heritage or Cultural Heritage sites located on the subject land or on lands adjacent to the subject land.

The Minor Variance is consistent with the Official Plan policies in the following ways:

- ✓ Permanent or seasonal detached dwelling units are permitted as well as accessory uses including a boathouse and sleep cabin.
- ✓ The property is considered remote because it is accessed by a private road over Crown Land rather than a municipal or provincial road.
- ✓ The property is not serviced with municipal water and sewer.
- ✓ The proposed enclosed porch is being constructed on the same footprint and same footings as the existing deck. The deck is not visible from the lake because it is screened by the boathouse and a row of mature trees. The deck is on the east side of the lot which abuts crown land. The development impact of closing in the deck is mitigated to the extent possible to conserve wilderness and semi wilderness values.
- ✓ The proposed Minor Variance preserves the natural environment while permitting some development.

In my opinion, the Minor Variance maintains the general intent and purpose of the Official Plan.

Cultural Heritage Considerations

With no work being done on Crown Land and no further excavation of soils on the subject land, from a Provincial Policy and Official Plan perspective an Archaeological Assessment is not warranted.

However, in 1996, Teme-Augama Anishnabai selected Crown lands to be set aside by the Ontario government to provide new economic development opportunities for the Temagami Indigenous community and facilitate settlement of the Teme-Augama Anishnabai (TAA) land claim. The subject land is situated in Olive Township which is part of the Lands Set Aside for Temagami First Nation.

It is anticipated that the Municipality will forward a copy of the complete application to Temagami First Nation as part of the public consultation process for the Minor Variance.

Municipality of Temagami Zoning By-law

The subject land is zoned R2 – Remote Residential in the Zoning By-law.

SECTION 7.5 - REMOTE RESIDENTIAL (R2)

ZONE 7.5.1 PERMITTED USES

No person shall within any Remote Residential (R2) Zone use any lot, or erect, alter or use any building or structure for any purpose except one or more of the following uses:

- *permanent dwelling unit or a seasonal dwelling unit*
- *sleep cabins*, subject to the provisions of Section 6.41
- *a water based boathouse*, in accordance with Section 6.06 or
- *a land based boathouse*, in accordance with Section 6.06 and 6.40
- *a detached garage in accordance with Section 7.5.2*
- *other accessory buildings*, in accordance with section 6.04

7.5.2 ZONE REQUIREMENTS

No person shall within any Remote Residential (R2) Zone use any lot, or erect, alter or use any building or structure except in accordance with the provisions of this section, the applicable provisions of Section 6, General Provisions - All Zones, and Section 8, Special Provisions and the following:

The lot:

- a) Minimum lot frontage 60.0 m*

b) Minimum lot area 0.8 ha/ 1.0 ha with drilled well

c) Maximum lot area 1.5 ha

d) Minimum distance from a Waste Disposal Site 500 m straight line distance for new Crown lots only

e) Minimum distance from a lake access point 500 m straight line distance for new Crown lots only

f) Minimum distance from a tourist 500.0 m straight line distance for new commercial site Crown lots only

g) Minimum distance from a residential lot 200.0 m straight line distance for new Crown lots only

h) Total lot coverage (%) 8.0

Any dwelling unit:

a) Minimum distance from the shore 15.0 m

b) Minimum rear yard 5.0 m

c) Minimum side yard 5.0 m

d) Maximum building height 9.0 m

e) Maximum gross floor area 464.0 sq m

The table below shows how the property conforms to the Zoning By-law requirements.

Performance Standard	Zoning By-law	Property	Conforms to Zoning?
a) Minimum distance from the shore	15 m	12.2 m	No Minor Variance Required
b) Minimum rear yard	5m	69 m	Yes
c) Minimum side yard	5 m	1.4 m	No Minor Variance Required
d) Maximum building height	9m	8 m	Yes
e) Maximum gross floor area	464 m ²	153 m ²	Yes
f) Total lot coverage*	8%	3.25%	Yes

g) Total SAA Coverage*	10%	2.8%	Yes
h) Total number of accessory buildings in addition to sleep cabin and boathouse	3	3	Yes

*Note:

Permitted Lot Coverage as per Zoning By-law: Lot is .58 ha = 5800 m² x 8% = 464 m²

Total lot coverage is 189 m²/5800 = 3.25%

Permitted Coverage in SAA is .095ha = 950m² x 10% = 95m²

Total SAA coverage is 26.9m²/950m² = 2.8%

The proposed variance maintains the general intent and purpose of the zoning by-law in the following ways:

- ✓ A permanent dwelling unit or a seasonal dwelling unit are permitted uses in the R2 Remote Residential Zone
- ✓ A sleep cabin, water-based boathouse, and accessory structures are permitted uses in the R2 Zone
- ✓ The lot area (0.58ha) and lot frontage (52.2m) make the lot legal non-complying because it was created by subdivision in 1970 which pre-dates the Municipality's Zoning By-law (2006).
- ✓ All of the Zone requirements are met with the exception of the distance from the shore and the minimum side yard.
- ✓ The increase of 24 m² in gross floor area is a minor change to the building mass.
- ✓ The distance from the shore in the amount of 12.2 m and side yard in the amount of 1.4 m was approved by Minor Variance in 2012. The zoning by-law requires 15m and 5 m respectively.
- ✓ Closing in the deck to make additional living area will not further decrease the existing setbacks. The enclosed deck will be constructed on the same footings with no additional site work required.
- ✓ The enclosed deck is screened from the lake by the boathouse and a row of mature trees. There are no neighbours on the east side because the lot abuts crown land which has dense bush.
- ✓ The enclosed deck is not visible to any neighbours, nor passing boat traffic.

In my opinion, the Minor Variance maintains the general intent and purpose of the Zoning By-law.

Conclusion

The Planning Act requires that in order for a Minor Variance application to be approved by the Committee of Adjustment, it shall meet 4 tests under the Planning Act as follows:

- 1. Does the variance maintain the general intent and purpose of the Official Plan?**
- 2. Does the variance maintain the general intent and purpose of the Zoning By-law?**

Based on the discussion above, the Minor Variance meets the general intent and purpose of the Official Plan and Zoning By-law. The owners will also enter into a Site Plan Control Agreement with the Municipality prior to obtaining a Building Permit.

- 3. Is the variance desirable for the appropriate development or use of the land?**

The enclosed porch is buffered from the lake by the water-based boathouse and a row of mature trees. No vegetation will be removed or disturbed. The proposed variance is not visible from the neighbours and will not impact their views from the lake. The enclosed porch is located on the side of the cottage that abuts Crown Land. The enclosed porch is being constructed on the existing footings and deck so there will be no further excavation or site work required.

- 4. Is the variance minor in nature?**

The distance from the shore in the amount of 12.2 m and the distance from the side lot line in the amount of 1.2 m was permitted by Minor Variance in 2012. However, the 2012 Minor Variance was specifically for a deck. These setbacks were established at that time and will be maintained as the existing porch will be closed in to become additional living room space.

In my opinion, the application for Minor Variance meets the general intent and purpose of the Official Plan and Zoning By-law, is desirable for the appropriate development of the land, and is minor in nature.

The owners are prepared to enter into a new Site Plan Control Agreement with the Municipality prior to obtaining a Building Permit. They will request that the 3 agreements registered on title be de-registered so that only there will be only one agreement registered on title moving forward.

Respectfully submitted by,
Karen Beauchamp

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