

Vicky Blake  
[REDACTED]

Temagami, ON P0H 2H0

June 3, 2025



Municipality of Temagami

P.O. Box 220

Temagami, ON P0H 2H0

Dear Staff,

I am dropping off letter packages for Mayor and Members of Council with a copy for Laala Jahanshahloo.

I am requesting time at the next Council meeting to discuss the contents and potentially respond to any questions the Council may have.

In the meantime, please do not hesitate to reach out to me should any clarification on the contents be needed or if any information can be provided to me prior to the meeting.

Thank you!

Sincerely yours  
[REDACTED]

Vicky Blake (on behalf of [REDACTED] Blake)

[REDACTED]  
Temagami, ON P0H 2H0  
vickyb008@icloud.com

June 3, 2025

Municipality of Temagami Mayor and Members of Council  
P.O. Box 220  
Temagami, Ontario P0H 2H0

Dear Mayor and Members of Council,

RE: Encroachment Agreement

To start, I would like to provide a timeline of our correspondence and meetings with the Municipality in this matter.

My husband and I met with Daryl Bell on November 20th and he suggested we write a letter to the Municipality to request a resolution to the property issues. The letter dated November 21, 2024 was provided to the Municipality on December 10, 2024. It contained detailed information on the 2 property issues, one being the shed location and the other being the house encroachment on Second Street. It also contained the two options that the lawyer we met with suggested.

On February 17, 2025 I sent an email to Laala and Daryl to follow up on the status of our request since a response to our letter had not been received. I followed up with another email on March 11, 2025 having still not received a response or acknowledgement to the letter or to my previous email.

On March 12 an email from Daryl was received that stated that the shed would need to be relocated to the property. There was no mention in the email about the issue of the house encroaching on Second Street.

A second letter dated March 26, 2025 was dropped off at the Municipal office on that date. This letter acknowledged the decision about the shed and contained a detailed request for the house encroachment issue.

I sent an email on April 17, 2025 asking when we could expect to hear back regarding the March 26, 2025 letter and also for clarification on the issue with the shed. I followed up with another email on May 9<sup>th</sup> and still no response was received.

I dropped by the Municipal office the morning of May 29<sup>th</sup> and met with Daryl in the afternoon. The direction from that meeting was to make a written request to Mayor and Members of Council regarding the house encroachment and that the shed is to be removed from Second Street.

I have attached the 2 previous letters referenced above so you have all information previously provided rather than reiterating it here. I would however like to expand the encroachment request submitted on March 26<sup>th</sup> from 4 feet to approximately 25 feet. This is on the assumption that the cost for an encroachment agreement is the same whether the encroachment is 4 feet or 40 feet

and that encroachments of this magnitude are permitted. The expanded encroachment would include the existing lawn and provide a more desirable property for potential new owners while maintaining access along Second Street. Also, while the front of the house does not encroach on Lakeshore Drive, ~~the covered entranceway~~, part of the deck and the stairs extend beyond the northern property line. I assume this could be included within the same encroachment agreement and request that an additional 3 feet approximately be approved along the northern property line as well.

I realize this is at the discretion of the Municipality and I certainly don't want any further delays in dealing with the house encroachment issue. I have attached a sketch of the area that was also provided with the March 26<sup>th</sup> letter with additional notes.

With regards to the shed, we have no interest in relocating it and would like to simply turn it over to the Municipality if possible. Failing that, I trust a formal letter will be issued for its' removal including timelines as to when this needs to be done.

Thanks for your attention in these matters.

Sincerely yours,

A black rectangular redaction box covering the signature of Vicky Blake.

Vicky Blake

Encl.

cc: Laala Jahanshahloo





March 26, 2025

Vicky Blake, (on behalf of [REDACTED] and [REDACTED] Blake)

[REDACTED]  
Temagami ON, P0H2H0

Tel: [REDACTED]  
[REDACTED]

Municipality of Temagami  
7 lakeshore Drive, P.O. Box 220  
Temagami ON, P0H2H0  
Planning Department

Dear Sir / Madam

**RE: Encroachment on un-opened Road Allowance: Second Street / Lot 410, 63 Lakeshore Drive. Request for minor Encroachment Agreement for front parcel 15367, Lot 410.**

I have received your email response on March 12<sup>th</sup>, regarding our submission of November 21, 2024, regarding the discovered encroachments on municipal property from a lot survey undertaken by SOS Surveyors Inc. of New Liskeard to facilitate to the selling of the property. I am enclosing the original letter which included the details of those encroachments for which we were seeking the municipalities guidance on resolving.

Your letter at this point, only concerns the encroachment of a shed structure which is no doubt wholly located on municipal property, the un-opened Second Street, based on the new survey report we undertook. We might note that rightly or wrongly, this structure has been there for 5 decades and replaced an original shed predating it in the same location. The shed was located in plain site and my parents were never given notice by the town given its location. Curiously, a long-time village/town superintendent was also a prior owner of the adjacent lot 410 back parcel. Perhaps then, there was consideration that there was a historical case for adverse possession of land the shed was located on, (prior to the Ontario changing the Squatters Rights laws in 1998.) There was precedence of the town dealing with similar old encroachments by stopping and closing municipal property; hence we had inquired about this solution, as advised by legal counsel.

That said, we respectfully understand the municipalities position regarding the old shed located on the road allowance and the municipal future considerations and responsibilities that go into that position.

As advised by a property lawyer we consulted, our main concern is resolving the original historical encroachment of the house situated on the north easterly front parcel 15367 which was originally titled ownership to [REDACTED] of Temagami in Sept 4th ,1946.

As mentioned, from the historical M-66 plan, Lot 410 was split into 3 separate parcels with 3 separate houses. It is hard to know if these dwellings were built there before or after the land title was granted.

My parent's Certificate of ownership, only describes the property based on the original M-66 plan. The original certificates were merely revised to legally notate the subsequent ownership and also legal mortgage holder on the documents, which seemed to be the custom then, in this situation.

From our personal Lot 449 survey (1991), which includes much of the surrounding neighbourhood, there was only one survey bar which dates ELM O.L.S. 1943 on the NW corner of what was originally the unopened Sixth Ave. and the lakeside priorly owned [REDACTED] property. It would appear that potentially with the development of municipal water and sewer lines (circa late 1970's- 80's?) that some more property iron bars were installed in this neighbourhood by Sutcliffe company, and then subsequent more property bars as new houses were constructed in the neighbourhood. As mentioned in our previous letter the iron bar found several inches under the lawn on the NE corner of the house was installed a long time after the original single-story house had been raised and the lawn area also raised with at least 3 ft of fill. The SOS surveyors also installed 3 new bars for the missing bars which also gives some historical context to this site. Suffice it to say this section of town's historical development did not conform to today's standards or technical capabilities.

Based on the SOS survey report, the house located on the front parcel 15367, lot 410 (approximately 40 feet deep by 33 feet wide) is encroaching on Second Street by 0.58 metres at the front northeast side and 0.96 metres on the southeast side of the house.

We are requesting the municipality grant a small, limited encroachment agreement to cover just the area of the historical house encroachment as suggested by the property lawyer we consulted with, for this front parcel only. As the front ½ lot is 33ft W x 40 ft deep we would request that perhaps the encroachment area covered could be squared off to add 4ft x 40ft; if appropriate to account for any surveying error. As the Second Street, road allowance is 66ft wide, we would submit that this would not in any way be detrimental to any future use of municipal owned Second street whether it remained unopened or not, and does not now, and would not impede or impact existing or future municipal utilities or use as a roadway should that occur.

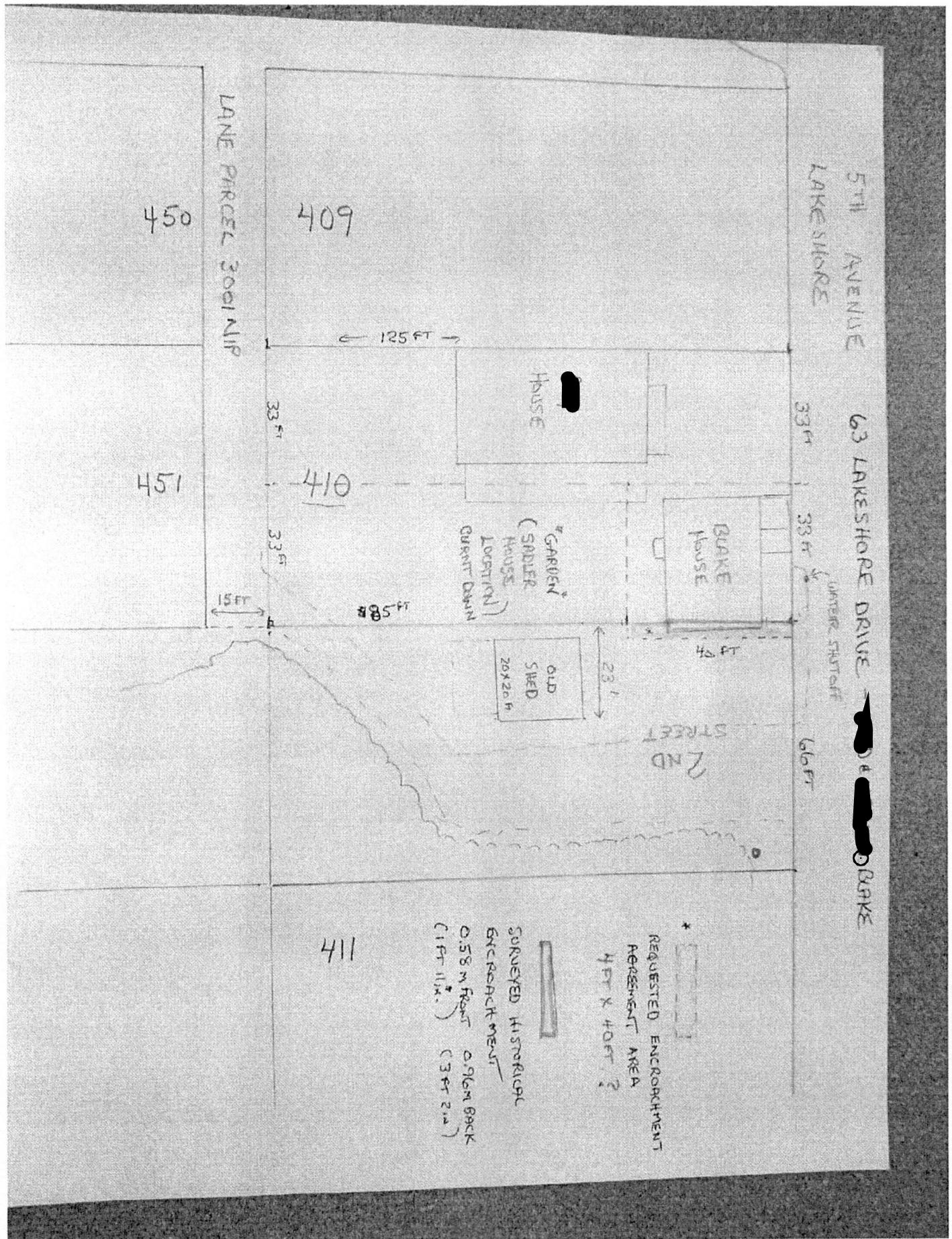
We look forward to hearing from you regarding resolving this unexpected situation in the best interests of my parents and the municipality.

Respectfully,

Vicky Blake,

On Behalf of [REDACTED] and [REDACTED] Blake

Requested Limited Encroachment Agreement location for discovered historical encroachment





Photos of Blake House, Lot 410, including recent survey stakes:

Un-opened Second Street, NE corner of front ½ lot 410

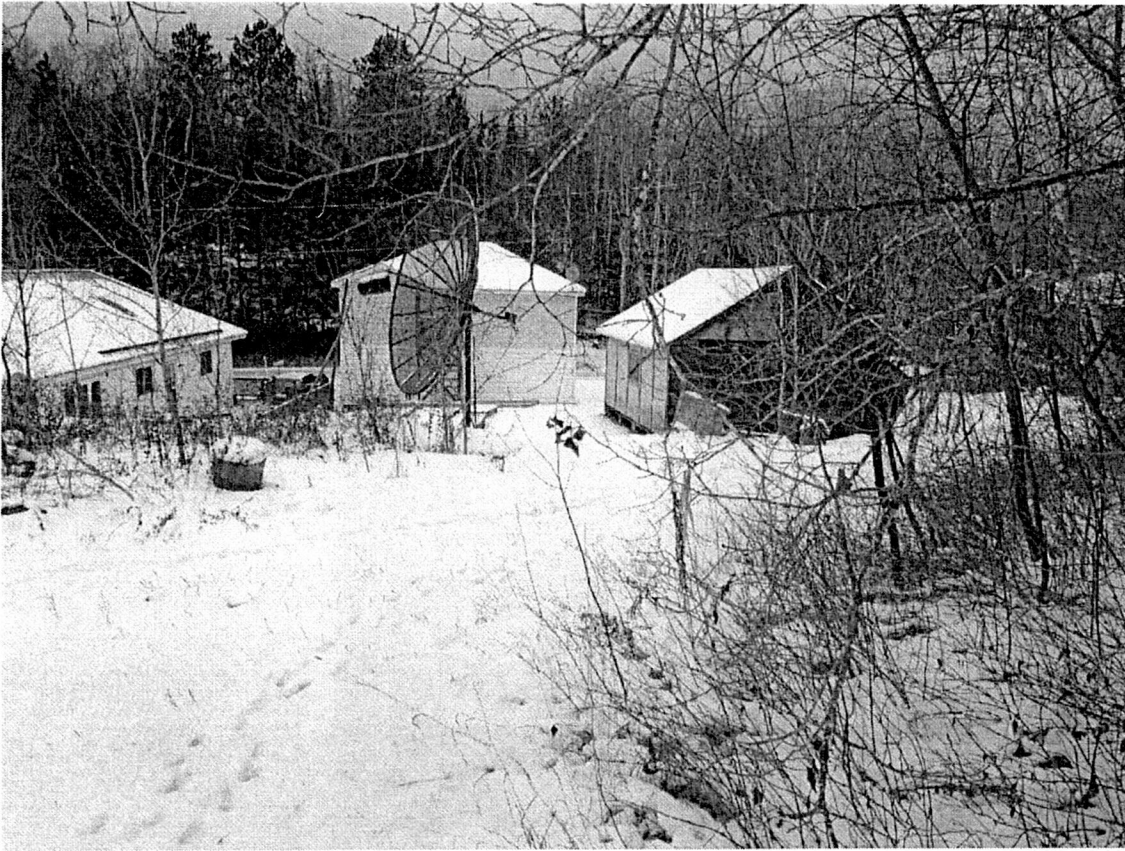


Front ½ lot 410 NW corner + [redacted] house W ½ Lot 410





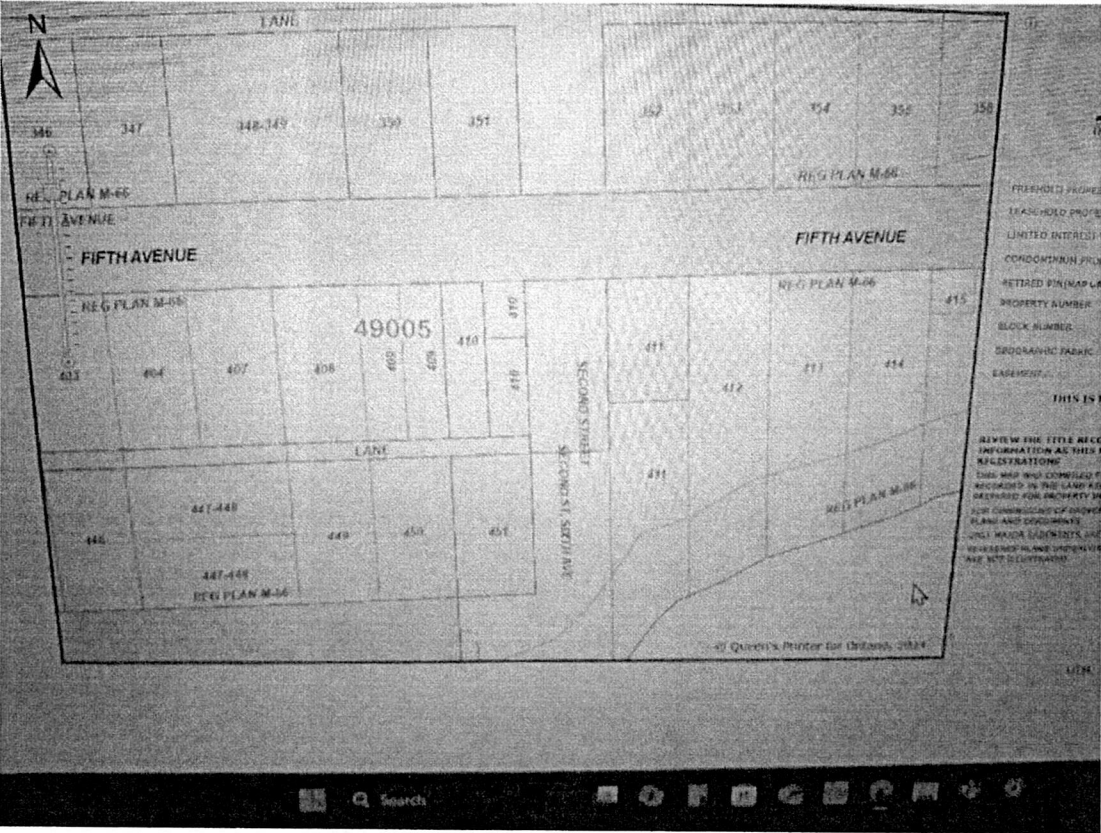
Back ½ lot 410, SE corner + old shed



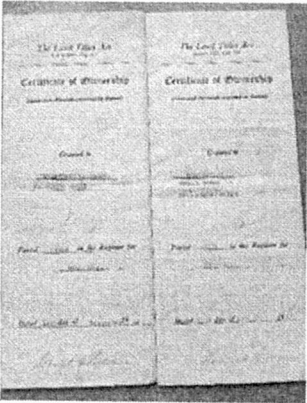
Back ½ lot 410 SW corner + [REDACTED] house ½ lot 410



M-66 Plan showing 3 parcel comprising Lot 410 + unopened Second Street road allowance:



1950's Historical photo of Blake house prior to 2<sup>nd</sup> story conversion in 1960's ( upper bedroom floor added and block wall basement built under structure. Note [redacted] house directly behind [redacted] / Blake house..



November 21, 2024

Vicky Blake, (on behalf of [REDACTED] and [REDACTED] Blake)

P.O. [REDACTED],

Temagami ON, P0H2H0

Tel: [REDACTED]  
[REDACTED]

10/24

Municipality of Temagami  
7 Lakeshore Drive, P.O. Box 220  
Temagami ON, P0H2H0  
Planning Department

Dear Sir / Madam

RE: Encroachment on un-opened Road Allowance: Second Street / Lot 410, 63 Lakeshore Drive

I am writing on behalf of my parents [REDACTED] and [REDACTED] Blake to find a resolution to a discovered encroachment on municipal property when a survey report was completed by SOS surveyors Inc of New Liskeard, as part of the process to facilitate the sale of the un-occupied family home. My parents moved into the Ronnoco Seniors complex last spring, whereupon my father [REDACTED] suffered a debilitating health situation and now is in long term care at the Temiskaming Lodge. Unfortunately, the new property complication adds to the stressful impact on the fiscal burden they face with the cost of the Temiskaming Lodge care, the Ronnoco apartment, and the cost of maintaining the house and property at 63 Lakeshore.

Background:

Lot 410 is comprised of 3 separate lots, circa 1940's or much earlier; with at one time 3 houses clustered on the original 66 ft by 125ft lot – M 66 plan. The current [REDACTED] house is situated on the 33 ft x 125 ft West half of Lot 410. The Blake house is situated on parcel 15367 which is 40ft by 33ft and fronts Lakeshore Dr. (Fifth Ave.) The back SE parcel 15371 was the former location of the [REDACTED] home, now the Blake back yard / garden area, 33ft by 85ft.

The cluster of three homes on the one lot might speak to the at times un-conventional early development of the Village of Temagami, presenting confusing situation to align with current municipal standards. My parents only have possession of "Certificates of Ownership – The Land Titles Act" with written descriptions of the two Lot 410 parcels, which also has recorded prior ownership and transfers of ownership. They don't possess any actual survey plans undertaken by themselves or prior owners. Perhaps the marginal fiscal resources of the original residents of this town area limited those expenditures. Perhaps the M-66 plan was developed after early village residents erected some buildings haphazardly in this area of town.



The Survey Report determined that the house was encroaching on the municipal adjoining lot (the un-opened Second Street) 0.58 metres at the front (NE corner) and 0.96 metres (SE corner) of parcel 15367.

(Note: The survey required 3 new corner pins being installed with only one property pin located on the NE corner of the lot. We do not know when this pin was installed as the original one-story house was raised to add a block basement and a second story for additional bedrooms.) The one pin was located inches below the lawn surface, which curiously is a yard section which has been raised approximately 3 ft from original ground level in the late 60's or early 70's.)

Another issue arising from the survey report made it apparent that my father had constructed a 20 ft by 20ft open frame, work shed entirely encroaching approximately 23 ft into the back west half of the municipal unopened Second Street lot. Unfortunately, my father is now not capable of providing us with insight regarding this construction and we can only guess it was his sense of bush wise practicality of making use of an unused location. (Curiously there used to be an abandoned small horse barn somewhere to the east of the shed he erected.) Currently there is an unmaintained drivable path along the east side of the shed leading up to the 15 ft unmaintained municipal laneway which also cuts across the SE corner of Parcel 15371 Lot 410.

In an effort to navigate this whole process we consulted with [REDACTED], of Ramsey Law office of New Liskeard regarding legal options to find a resolution to the encroachments. He noted that this situation is not dissimilar to many other towns and properties in Northern Ontario with early town development irregularities and easement and encroachment issues.

His first advice was to approach the municipality and seek out a resolution, which we have, meeting with Darryl Bell on Nov. 20<sup>th</sup>. (Darryl suggested we also write this letter detailing the background information concerning finding a resolution to the encroachment issue.)

One resolution option mentioned by the lawyer, was to inquire if it was possible for the closure and purchase of the part encroachment area on the unopened Second Street adjacent to the East side of lot 410, while also ensuring rear lot laneway access. This option could also provide a future owner a more conventional lot size to enhance the neighborhood with limited impacts for adjacent property owners and laneway adjacent property owners. Another option was to inquire as to obtaining an encroachment agreement with the municipality.

We look forward to hearing from you in dealing with this matter.

Please see attached a recent Survey Report from SOS as well as some pictures and a survey of the [REDACTED] property. I've also included a survey of my property that contains my parents' lot as well for additional reference.

Sincerely,  
Vicky Blake  
[REDACTED]





50 Whitewood Avenue  
P.O. Box 1599  
New Liskeard, ON, P0J 1P0  
705-622-0872

## Survey Report

Date: October 23, 2024

Attention: [REDACTED] & Vicky Blake  
[REDACTED]  
Temagami, Ontario  
P0H 2H0  
[REDACTED]  
[REDACTED]

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Project reference #: NL2024-199 – 63 Lakeshore Drive, Temagami

PIN 49005-0392 (LT) – SOUTHERLY PART OF THE EASTERLY 1/2 OF LOT 410 PLAN M66 STRATHY STARTING AT THE NORTH EASTERLY ANGLE OF SAID LOT NO. 410; THENCE WESTERLY ALONG THE NORTHERLY BOUNDARY OF SAID LOT A DISTANCE OF 33' MORE OR LESS TO THE LINE BETWEEN THE EAST AND WEST HALVES OF SAID LOT; THENCE SOUTHERLY ALONG THE SAID LINE BETWEEN THE EAST AND WEST HALVES OF SAID LOT A DISTANCE OF 40' TO A POINT WHICH IS THE POINT OF COMMENCEMENT; THENCE EASTERLY AND PARALLEL TO THE NORTHERLY BOUNDARY OF SAID LOT 33' MORE OR LESS TO THE EASTERLY BOUNDARY THEREOF; THENCE SOUTHERLY ALONG THE SAID EASTERLY BOUNDARY TO THE SOUTH EASTERLY ANGLE OF SAID LOT 410; THENCE WESTERLY ALONG THE SOUTHERLY BOUNDARY OF SAID LOT 33' MORE OR LESS TO THE LINE BETWEEN THE EAST AND WEST HALVES OF SAID LOT; THENCE NORTHERLY ALONG THE SAID DIVIDING LINE BETWEEN THE EAST AND WEST HALVES TO THE POINT OF COMMENCEMENT; EXCEPT MINING RIGHTS ONLY AS IN LT102225.

PIN 49005-0394 (LT) – PART OF THE EAST 1/2 OF LOT 410 PLAN M66 STRATHY AS IN LT50372.

As per your request our crew visted the noted property on October 9<sup>th</sup>, 2024 to perform a boundary survey.

For this work the crew located several of the existing property bars around the property. The crew mostly relied on plans 36-R10907 and registered plan M-66 to calculate the position of missing bars. Only the northeast corner of the property was found in place, the other 3 corners had to be replaced. The crew also marked the sidelines of the property to clearly show where the property lines are. After reviewing the PIN descriptions and documents described above, the two PINs you own descibe all of the east half of Lot 401 which is a property 33 feet wide by 125 feet deep.

There were several issues uncovered as a result of the survey. The vinyl sided dwelling on your property extends easterly over onto adjoining Lot 402 by 0.58 metres at the front and 0.96 metres at the back.

Also a wood deck extends from the property to the west of you onto your property. The property west of you is the west half of Lot 401. The deck extends onto your property by 1.45 metres at the front, and 1.57 metres at the rear.

This survey report and all of its contents contains information from Surveyors On Site Inc. which may be privileged, confidential or otherwise protected from disclosure. The information is intended to be for the addressee only. If you are not the addressee, then any disclosure, copying, distribution or use of this message, or its contents or any of its attachments, is prohibited.

There were no other issues found. No new plan was prepared as part of the scope of this work. All work was done in accordance with the Surveys Act and the regulations thereunder.

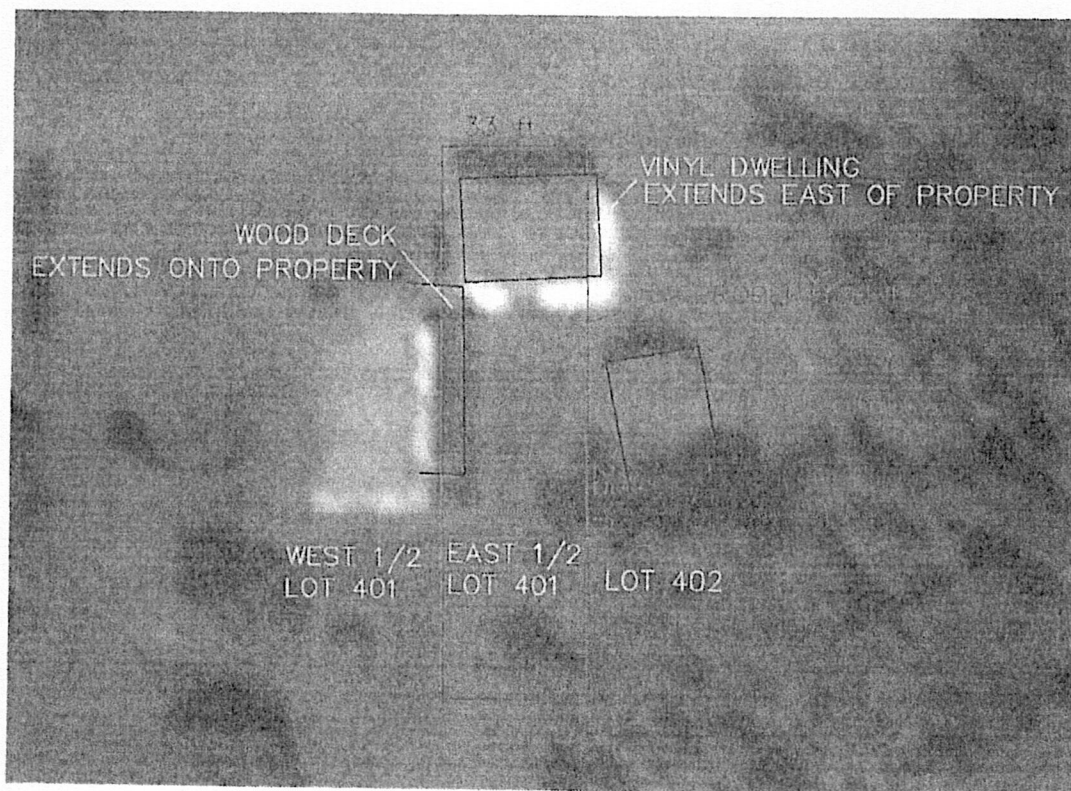
This completes the scope of work we were retained to complete. If you require any other information please let me know.

Regards,

[REDACTED]

[REDACTED], Ontario Land Surveyor, P.Eng.,

Enclosure – Imagery overlay



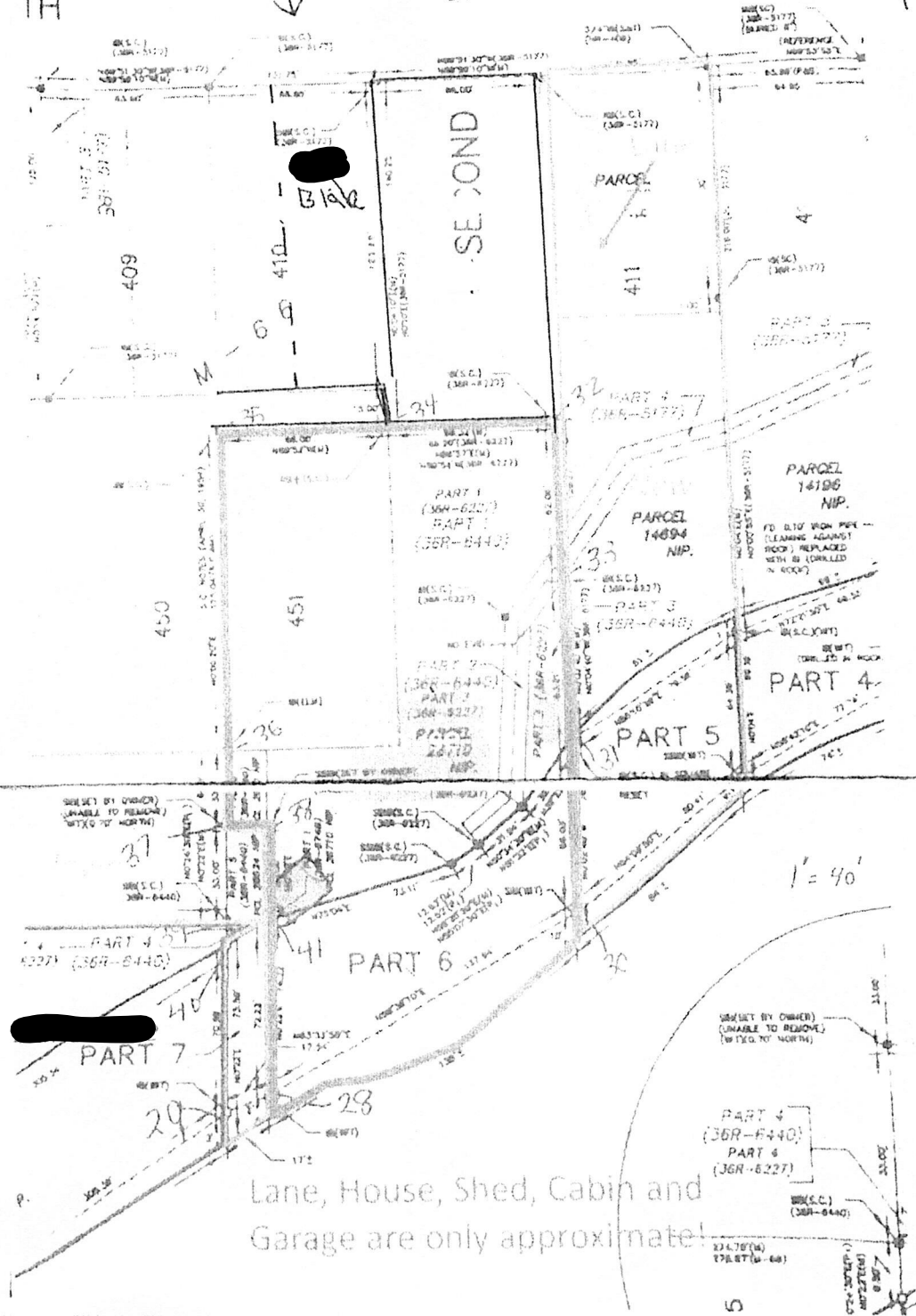
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N  
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my parents lot

Aug 2018  
Survey completed  
for the Pacey's  
AVE property

59 Lake Shore Rd. Temagami  
TH STR



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4-66)

