

**Ontario Land Tribunal**  
Tribunal ontarien de l'aménagement  
du territoire



**ISSUE DATE:** July 06, 2023

**CASE NO(S).:**

OLT-22-002969

**PROCEEDING COMMENCED UNDER** subsection 22(7) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant:	Langmaid's Island Corporation
Subject:	Request to amend the Official Plan – Failure to adopt the requested amendment
Description:	to develop 36 lots for residential uses and to provide for the protection of conservation blocks
Reference Number:	OPA 01/18 LOB
Property Address:	Langmaid Island
Municipality/UT:	Lake of Bays/Muskoka
OLT Case No.:	OLT-22-002969
Legacy Case No.:	PL180898
OLT Lead Case No.:	OLT-22-002969
Legacy Lead Case No.:	PL180898
OLT Case Name:	Langmaid's Island Corporation v. Lake of Bays (Township)

**PROCEEDING COMMENCED UNDER** subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Subject:	Application to amend the Zoning By-law – Refusal or neglect to make a decision
Description:	to develop 36 lots for residential uses and to provide for the protection of conservation blocks
Reference Number:	Z 01/18 LOB
Property Address:	Langmaid Island
Municipality/UT:	Lake of Bays/Muskoka
OLT Case No.:	OLT-22-002970
Legacy Case No.:	PL180899
OLT Lead Case No.:	OLT-22-002969
Legacy Lead Case No.:	PL180898

**PROCEEDING COMMENCED UNDER** subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Subject: Application to amend the Zoning By-law –  
Refusal or neglect to make a decision  
Description: to develop 36 lots for residential uses and to  
provide for the protection of conservation  
blocks  
Reference Number: Z/11/2018/HTE  
Property Address: 3393 South Portage Road  
Municipality/UT: Huntsville/Muskoka  
OLT Case No.: OLT-22-002972  
Legacy Case No.: PL180911  
OLT Lead Case No.: OLT-22-002969  
Legacy Lead Case No.: PL180898

**PROCEEDING COMMENCED UNDER** subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Subject: Application to amend the Zoning By-law –  
Refusal or neglect to make a decision  
Description: to develop 36 lots for residential uses and to  
provide for the protection of conservation  
blocks  
Reference Number: Z/12/2018/HTE  
Property Address: 4215 South Portage Road  
Municipality/UT: Huntsville/Muskoka  
OLT Case No.: OLT-22-002974  
Legacy Case No.: PL180912  
OLT Lead Case No.: OLT-22-002969  
Legacy Lead Case No.: PL180898

**PROCEEDING COMMENCED UNDER** subsection 51(34) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Subject: Proposed Plan of Subdivision – Failure of  
Approval Authority to make a decision  
Description: to develop 36 lots for residential uses and to  
provide for the protection of conservation  
blocks  
Reference Number: S2018-1  
Property Address: Langmaid Island  
Municipality/UT: Huntsville/Muskoka  
OLT Case No.: OLT-22-002976  
Legacy Case No.: PL180916  
OLT Lead Case No.: OLT-22-002969  
Legacy Lead Case No.: PL180898

**Heard:** June 7, 2023 by video hearing

**APPEARANCES:**

**Parties**

**Counsel**

Langmaid's Island Corporation	R. Miller A. Margaritis
District of Muskoka	J. Ewart
Township of the Lake of Bays	J. Ewart
Town of Huntsville	J. Ewart
The Lake of Bays Association	H. Elston ( <i>in absentia</i> ) C. Emmett
The Lake of Bays Heritage Foundation	H. Elston ( <i>in absentia</i> ) C. Emmett

**DECISION DELIVERED BY BRYAN W. TUCKEY ON AND ORDER OF THE  
TRIBUNAL**

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[1] The Tribunal convened a Phase 2 merits hearing in this matter. Langmaid's Island Corporation ("Applicant") in respect of the outstanding appeal against the District of Muskoka ("District") as approval authority of a draft Plan of Subdivision ("draft PoS")

pursuant to s. 51(34) of the *Planning Act* (“the Act”). The Tribunal’s lead file for this matter is OLT-22-002969 and in respect of the draft PoS is OLT-22-002976.

[2] A comprehensive decision with respect to Phase 1 of the merits hearing was issued on September 12, 2022. The first phase merit hearing dealt with 4 of the 5 planning instruments under appeal and saw the approval, in part, and Orders issued for:

- a. in the Township of the Lake of Bays (“Township”) an Official Plan Amendment (“OPA”) pursuant to s. 22 (7) of the Act;
- b. in the Town of Huntsville (“Town”) two Zoning By-law Amendments (“ZBA”) pursuant to s 34 (11) of the Act.

[3] The Order was withheld on the Development Permit By-law Amendment pursuant to s. 34 (11) of the Act, pending modifications, as directed in the Tribunal's Decision dated September 12, 2022.

[4] The proposal would permit the development of a 32-lot draft PoS on Langmaid’s Island (“the Island”) in the Township. The proposed development includes water access; four conservation blocks; and two water access points from the mainland located in the Town located at properties known municipally as 4215 South Portage Road. And 3933 South Portage Road. The use of the dwellings on the Island would be seasonal.

[5] Mr. Kelly Kztaruk notified the Tribunal on June 2, 2023 that he has chosen to step down as a Party to this proceeding but will remain as a Participant.

[6] The remaining six Parties of record continuing in this matter are all represented in these proceedings as identified in the appearances.

[7] In addition to Mr. Kztaruk’s Participant Statement (Exhibit 15) , two additional Participant Statements have been received by the Tribunal from Ray and Nadia

Bergenstock (Exhibit 13) and Bruce and Terry Creighton (Exhibit 14). All comments in the Participant Statements are considered by the Tribunal.

### **MINUTES OF SETTLEMENT (“MOS”)**

[8] Mr. Miller, Counsel for the Applicant, submitted two MOS to the Tribunal and advised that the Applicant has reached a settlement with all Parties in respect of all outstanding issues. The two MOS are between the Langmaid’s Island Corporation and:

- a. the District Municipality of Muskoka; the Corporation of the Township of the Lake of Bays; and the Town of Huntsville (Exhibit 6). This MOS establishes that the draft PoS and Conditions of Draft Plan of Subdivision (“the Conditions”) presented in these proceedings are acceptable to signatories along with other relevant provisions of interest to the three municipal entities;
- b. the Lake of Bays Association (“LOBA”) and the Lake of Bays Heritage Foundation (“LOBHF”). (Exhibit 7). This MOS supports the draft PoS and Conditions presented at these proceedings along with other relevant provisions that are relevant to the interests of both the LOBA and LOBHF.

### **THE WITNESS**

[9] The Parties called one land use planning witness in support of the proposed settlement. James Dymont is qualified to give expert evidence in the discipline of land use planning. He has considerable experience in the District and was a witness called to give evidence in the Phase 1 hearing.

## BACKGROUND

[10] The proposed development was the subject of a Phase 1 merits hearing and a comprehensive decision which dealt with the matters related to the Township OPA and the Development Permit By-law No. 04-180 ("Township DPB") along with two ZBA to By-law No. 2008-66P in the Town for properties known as 3993 and 4215 South Portage Road. As Mr. Dymont described, the effect of this decision was to establish the 'principle of development' in respect of matters before the Tribunal. The only planning instrument remaining before the Tribunal is the draft PoS and Conditions that serve to further the implementation of the established 'principles'. The Tribunal Agrees.

[11] Should the reader have interest in the background, site analysis, chronology of events, land use planning, environmental impact, cultural heritage, landscape architecture, visual impact, site servicing and boating impact expert evidence, one is encouraged to review the Phase 1 decision issued September 12 2022.

[12] In his testimony, Mr. Dymont noted three issues that the Tribunal should be aware of and are a consideration but not germane to the draft PoS and Conditions presently before the Tribunal. All outstanding issues continue to be addressed. The Applicant has an excellent working relationship with both the Town and Township staff which will allow all outstanding matters and changes to municipal planning regulatory framework to be recognized or rectified. The three issues are:

- a. the premature passing of the Township DPB without "the limited tree removal in the 10 meters rear yards of the proposed subdivision lots";
- b. the Township has enacted a new Community Planning Permit By-law No. 2021-111 ("Township CPPB") since the Phase 1 hearing; and
- c. the Town has also adopted a new Community Planning Permit By-law No. 2022-97 ("Town CPPB") since the Phase 1 hearing.

[13] The Planning Instruments under consideration by this Tribunal in this proceeding are found in the Supplementary Materials of Langmaid's Island Corporation marked as Exhibit 8. The draft PofS is found at Exhibit 8 Tab 2 and the Conditions Exhibit 8 Tab 4.

[14] Mr. Dymment advised the Tribunal that the Applicant has taken into consideration both the Town's and Township's changing regulatory framework in the construct of the Conditions. These considerations are outlined in the Planners Agreed Statement of Facts found in Exhibit 1 Tab 10.

[15] Mr. Dymment noted that the Applicant has revised and refined the proposed waterfront landings which are located in the Town. Town staff are generally satisfied with the landing concept plans with regard to the proposed parking and access layouts. The docking facilities as reflected on the landing concept plans are deemed to be feasible. The final development scheme for the landings will require planning approval from the Town pursuant to a Site Plan Approval or a Community Planning Permit Application process.

## **LAND USE PLANNING POLICY**

### **Provincial and Municipal Policy and Regulations**

[16] As is stated earlier, Mr. Dymment is of the opinion that the principle of development was established through the decision of Phase1. That being said, he did take the Tribunal through, in appropriate detail, all of the relevant planning regulatory documents to ensure the draft PoS had appropriate regard for these documents. His opinions are that the draft PoS and Conditions:

- a. have appropriate regard to matters of Provincial Interest pursuant to s. 2 of the Act;
- b. are consistent with the Provincial Policy Statement 2020;

- c. conform to the District, Township and Town Official Plans as amended;  
and
- d. it is a standard condition of draft plan approval that the lots on the Island in the final plan conform to the lot area and frontage requirements of the applicable By-law. Clause 3 of the Conditions confirm this compliance is assured. He also opined that the Landings in the Town have been designed to comply with the applicable zone provisions.

### **Draft PoS and Conditions**

[17] Mr. Dymont reviewed the draft PoS (Exhibit 8 Tab 2) against the criteria of s. 51 (24) of the Act. There are a total of 14 criteria a municipal authority must have regard to, including ensuring the health, safety, convenience, accessibility for persons with disabilities and welfare of the present and future inhabitants of the municipality. Mr. Dymont made specific reference to s. 51 (a), (b), (c), (d), (e), (f), (g), (h), (i), and (l) and explained how the planning instruments have regard to all the relevant criteria.

[18] There are a total of 30 Conditions that have been written jointly by municipal staff and the Applicant. (Exhibit 8 Tab 4). Mr. Dymont in his evidence noted many conditions are standard conditions required by the district and local municipalities. Great care was taken to ensure that all Conditions are relevant, reasonable, and necessary for the proper implementation of the draft PoS. The Conditions are specifically and directly related to the draft PoS before the Tribunal.

[19] Mr. Dymont made specific note of Conditions that were important to the Parties at the Phase 1 hearing and many of which are made in the subsequent decision. Conditions include those related to:

- a. Access, parking, and traffic requirements;
- b. Payment-in-lieu of Parkland requirements of the Township;



- c. Servicing and infrastructure requirements for both the Town and the Township;
- d. The content of area municipal agreements which include matters such as the implementation of the recommendations of the environmental impact studies; proof of registration and a copy of a conservation easement in favor of a conservation body that ensures ongoing conservation blocks A,B,C and D in perpetuity; the implementation of the Boating Impact Assessment and its addendum and provisions for access and services, including the long term ownership and maintenance of the waterfront landing properties.
- e. That a district municipal subdivision agreement shall be registered on title along with a plan in registerable form together with all necessary instruments or plans describing an interest in the land.

[20] The Applicant, District and both local municipalities have worked collaboratively in the construct of the Conditions, and the Tribunal has a full expectation that they will continue to work together to implement and clear the Conditions for the draft PoS.

[21] Mr. Dymont is of the opinion that the draft PoS has appropriate regard to and complies with the relevant criteria of s. 51(24) and the Conditions are reasonable and appropriate having regard for the nature of development by the proposed draft PoS pursuant to s. 51 (25) of the Act.

[22] In conclusion, Mr. Dymont opined that the draft PoS and Conditions are consistent with the Provincial Policy Statement 2020, conform to the District, Township and Town Official Plans, the conditions are reasonable and appropriate, are well designed and sensitive to the important environmental, cultural, visual, and natural heritage considerations of the Island, protects the public interest and represent good planning.

## TRIBUNAL FINDINGS

[23] The Tribunal accepts the uncontested evidence of Mr. Dymont In its entirety and finds the draft PoS and Conditions have regard to the matters of provincial interest found in s. 2 of the Act, are consistent with the Provincial Policy Statement 2020, conform to the relevant District and Local Municipal Official Plans and meet the requisite zone provisions of both the Town and the Township. They represent good planning and are in the public interest.

[24] The Tribunal finds that the draft PoS, subject to the Conditions, has had appropriate regard to the criteria set out in s. 51(24) in the conditions to be reasonable and appropriate for the proposed development pursuant to s. 51 (25) of the Act.

[25] The Tribunal finds that the District, Town, and Township have extremely well established and current planning policy and regulatory framework. All three have followed a careful, complete, and comprehensive planning review of the draft PoS and Conditions before the Tribunal.

[26] The Tribunal finds it is appropriate pursuant to s. 51(56.1) that the District be given the authority to clear the Conditions and administer final approval of the Plan of Subdivision for the purposes of s. 51(58) of the Act.

## ORDER

[27] Accordingly, the Tribunal Orders:

[28] **THAT** the appeals under subsection 51(34) the Planning Act should be allowed in part, and the Plan of Subdivision should be approved.

[29] **THAT** the Plan of Subdivision is hereby draft approved in the form set out in Tab 2, Exhibit 8 and attached as Schedule 1 to this Order subject to the fulfillment of the conditions, as contained in Tab 4 Exhibit 8 and attached as Schedule 2 to this Order.

[30] **THAT** pursuant to s. 51(56.1) of the Planning Act, the District Municipality of Muskoka shall have the authority to clear the conditions of draft plan approval and to administer final approval of the Plan of Subdivision for the purposes of s. 51(58) of the *Planning Act*.

[31] The Tribunal may be spoken to in the event of any matter or matters that may arise in connection with the implementation of this Order.

*“Bryan W. Tuckey”*

BRYAN W. TUCKEY  
MEMBER

**Ontario Land Tribunal**

Website: [olt.gov.on.ca](http://olt.gov.on.ca) Telephone: 416-212-6349 Toll Free: 1-866-448-2248

The Conservation Review Board, the Environmental Review Tribunal, the Local Planning Appeal Tribunal and the Mining and Lands Tribunal are amalgamated and continued as the Ontario Land Tribunal (“Tribunal”). Any reference to the preceding tribunals or the former Ontario Municipal Board is deemed to be a reference to the Tribunal.

[illegible]

## SCHEDULE 2

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**DRAFT PLAN OF SUBDIVISION FILE S2018-1  
(Langmaid's Island)  
CONDITIONS OF APPROVAL  
(Draft June 6, 2023)**

**Part A - Approval**

Draft Plan of Subdivision File S2018-1 (Langmaid's Island) is approved subject to Parts B, C, and D herein.

**Part B - Conditions**

**General Conditions**

1. This approval applies to Draft Plan of Subdivision File S2018-1 (Langmaid's Island) prepared by MHBC, dated December 14th, 2017 and revised dated June 1, 2023, certified by Kevin P. Kujala, Ontario Land Surveyor, on June 6, 2023 showing a total of 32 waterfront residential lots and two waterfront landings on lands legally described as: Island A (Langmaid's Island), Geographic Township of McLean, Township of Lake of Bays; Part of Lot 24, Concession 1 and Part of the Original Shoreroad Allowance in front of Lot 24, Concession 1, Geographic Township of Brunel, Town of Huntsville, District of Muskoka, known municipally as 3933 South Portage Road; All of Lot 7, Registered Plan M-247, Geographic Township of Brunel, Town of Huntsville, District of Muskoka, known municipally as 4215 South Portage Road (the "Plan").
2. Prior to final approval, The District Municipality of Muskoka (the "District") shall be provided with a copy of the final Plan in digital format, in accordance with The District Municipality of Muskoka Draft and Final Plan of Subdivision/Condominium Description Digital Submission Requirements.

**Conveyances**

3. Prior to final approval, easements as may be required for such matters as utilities, drainage, access to the subject lands, access to adjacent properties or for other purposes shall be relocated and/or granted to the Township of Lake of Bays (the "Township"), Town of Huntsville (the "Town"), Hydro One, Bell Canada, and any other authority or party.
4. Prior to final approval easements will be required for ensuring mainland access for the lots and blocks in the Plan from Block E and Block F in the Plan.

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5. Prior to final approval, the District shall be satisfied that Conservation Easements in favour of a Conservation Body as defined in the *Conservation Land Act* will be placed over Block A, Block B, Block C and Block D following final approval of the Plan.
6. Prior to final approval, the District shall be satisfied that Block A and Block B will be conveyed to a Conservation Body as defined by the *Conservation Lands Act* following approval of the Plan.

**Access, Parking and Traffic**

7. Prior to final approval, it shall be demonstrated to the satisfaction of the Director of Planning at the Town that adequate mainland parking and docking is available on Block E and/or Block F for each proposed lot on the Island in accordance with the Town's applicable Zoning By-law or Community Planning By-law.
8. Prior to final approval being granted, entrance permits for the waterfront landing properties legally described as Part of Lot 24, Concession 1 and Part of the Original Shore Road Allowance in front of Lot 24, Concession 1, Geographic Township of Brunel, Town of Huntsville, District of Muskoka, being Block E in the Plan, known municipally as 3933 South Portage Road; All of Lot 7, Registered Plan M-247, Geographic Township of Brunel, Town of Huntsville, District of Muskoka, being Block F in the Plan, known municipally as 4215 South Portage Road, shall be granted and issued by the District for access to South Portage Road (District Road 9) where required.
9. Prior to final approval, an unequal road widening as necessary to achieve a 23 metre right-of-way across the entire frontage of the waterfront landing property municipally known as 3933 South Portage Road (District Road 9), legally described as Part of Lot 24, Concession 1 and Part of the Original Shore Road Allowance in front of Lot 24, Geographic Township of Brunel, Town of Huntsville, District of Muskoka, being Block E in the Plan, shall be dedicated to the District.
10. Prior to final approval being granted, a 3.0 metre consistent width road widening to achieve a 26 metre right-of-way across the entire frontage of the waterfront landing property municipally known as 4215 South Portage Road (District Road 9), legally described as All of Lot 7, Registered Plan M-247, Geographic Township of Brunel, Town of Huntsville, District of Muskoka, being Block F in the Plan, shall be dedicated to the District.
11. Prior to final approval, Prior to final approval, a Community Planning Permit or other applicable development control by-law shall be issued for each of the waterfront landing properties municipally known as 3393 and 4215 South Portage Road (District Road 4) and legally described as Part of Lot 24, Concession 1 and Part of the Original

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Shore Road Allowance in front of Lot 24, Concession 1; and All of Lot 7, Registered Plan M-247, Geographic Township of Brunel, Town of Huntsville, District of Muskoka to reflect the final parking and docking design, including but not limited to:

- i) The provision of an environmental assessment for the subject lands located at 4215 South Portage Road, to address any impacts associated with parking areas, dock drop off area and access driveway within the required vegetated buffer and implementation of any required recommendations: and
- ii) Parking and traffic flows within the internal designated parking areas.

**Parkland**

- 12. Prior to final approval, the payment in lieu of parkland requirements of the Township, pursuant to the *Planning Act*, R.S.O. 1990, as amended, shall be satisfied.

**Compliance with Development Permit/Zoning By-law**

- 13. Prior to final approval the District shall receive confirmation from the Township and the Town that all lots and blocks in the Plan comply with the requirements of the applicable Zoning By-law and/or Community Planning Permit By-law.

**Infrastructure**

- 14. Prior to final approval being granted, four copies of a detailed report(s), prepared by a professional engineer in consultation with a qualified biologist, addressing stormwater management and construction mitigation shall be submitted to the District. The report(s) shall be circulated by the District to the Township and the Town for their review and comment.
- 15. The Subdivision Agreement between the District and the Owner shall require the biologist to verify in writing to the District, that the proposed stormwater management plan incorporates the recommendations contained in the Environmental Impact Studies (Langmaid's Island and Main Land) prepared by Riverstone Environmental Solutions, dated January 2018 and Peer Review prepared by Palmer Environmental Consulting Group dated October 29, 2018.
- 16. Prior to final plan approval one (1) of the following documents shall also be provided to the satisfaction of the District for any applicable infrastructure works, including but not limited to stormwater management:
  - (i) An Environmental Compliance Approval (ECA) for the project(s) shall be obtained from the Provincial Ministry with jurisdiction, or
  - (ii) Written confirmation from the Provincial Ministry with jurisdiction exempting the project(s) from the requirement to obtain an ECA; or

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- (iii) A written opinion, stamped and signed by a Professional Engineer, that confirms that the project(s) meet the specific exemptions outlined in the applicable legislation/regulations.

17. Prior to final approval written confirmation that sufficient capacity for hauled sewage for each of the residential lots is available shall be submitted to the satisfaction of the District and the Township;

**Area Municipal Agreements**

18. Prior to final approval being granted, a subdivision and/or amending agreement with the Township in accordance with Section 51(26) of the *Planning Act*, R.S.O. 1990, as amended, shall be registered on title and shall include provisions outlining the need to satisfy all the requirements, financial and otherwise, of the Township including but not limited to the following:

- (i) The implementation of the report(s)/plan(s) required in Condition 14 under the supervision and to the satisfaction of a professional engineer;
- (ii) The provision of securities or other guarantees for implementation of the report(s)/plan(s) referenced in Condition 14, if necessary;
- (iii) The implementation of the recommendations of the Environmental Impact Studies (Langmaid's Island and Mainland) dated January 2018, Deer Wintering Assessment dated May 2018, Letters of Clarification dated March 23, 2018, and Peer Review Response, dated July 19, 2018, all prepared by Riverstone Environmental Solutions Inc. and associated Peer Review prepared by Palmer Environmental Consulting Group dated October 29, 2018, including but not limited to the following:
  - a) that construction of in-water works are not to be completed between May 1 and July 15 to avoid potential impacts to fish during the warm-water spawning season; and,
  - b) that vegetation removal and tree clearing only occur between October 15 and May 1 to prevent destruction of migratory bird nests and bat roosts or harm to species at risk bat individuals, and to ensure compliance with the Migratory Birds and Endangered Species Acts; or,
  - c) time limitations in (a) and/or (b) may be altered subject to additional studies completed by a qualified biologist immediately before construction that confirms the absence of sensitive species.



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- (iv) Proof of registration and copy of a Conservation Easement in favour of a Conservation Body that ensures ongoing conservation of Blocks A, B, C and D in perpetuity, and the prohibition of public access.
  - (v) Provisions for access and services, including the long-term ownership and maintenance of the waterfront landing properties; and,
  - (vi) The implementation of the Boating Impact Assessment prepared by Michalski Nielsen and Associates dated August 2018 and Addendum dated November 1, 2018.
19. Prior to the Township Council's endorsement and execution of the Area Municipal subdivision agreement, a copy shall be forwarded to the District and the Town for review, comment and potential revision, if required, related to District and Town interests.
20. Prior to final approval, the District and the Town shall be in receipt of a registered copy of the Township subdivision agreement.
21. Prior to final approval, an agreement and/or amending agreement with the Town for each of the waterfront landing properties in accordance with Section 51(26) of the Planning Act, R.S.O. 1990, as amended, shall be registered on title and shall include provisions outlining the need to satisfy all the requirements, financial and otherwise, of the Town, including but not limited to the following:
- (i) The implementation of the Stormwater Management and Construction Mitigation Plans prepared by C.C. Tatham and Associated Limited, dated January 24, 2018 and revised March 23, 2018;
  - (ii) The implementation of the report(s)/plan(s) required in Condition 14 under the supervision and to the satisfaction of a professional engineer;
  - (iii) The provision of securities or other guarantees for implementation of the report(s)/plan(s) referenced in Condition 14, if necessary;
  - (iv) The implementation of the Boating Impact Assessment prepared by Michalski Nielsen and Associates dated August 2018 and Addendum dated November 1, 2018; and
  - (v) Provisions for access and services, including the long-term ownership and maintenance of the waterfront landing properties.

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22. Prior to the Town Council's endorsement and execution of the area municipal agreement, a copy shall be forwarded to the District and the Township for review, comment and potential revision, if required, related to District and Township interests.
23. Prior to final approval, the District and the Township shall be in receipt of a registered copy of the Town subdivision agreement.

**District Municipal Subdivision Agreement**

24. Prior to final approval being granted a subdivision, servicing and/or amending agreement with the District, in accordance with Section 51(26) of the Planning Act, R.S.O. 1990, as amended, shall be registered on title and shall state that all the requirements, financial and otherwise, of the District shall be satisfied, including but not limited to the following:
  - i) Entrance requirements; and
  - ii) Availability and provision of municipal services including garbage collection and paramedic vehicles.
  - iii) The biologist to verify in writing to the District , that the proposed construction mitigation and stormwater management plan incorporates the recommendations contained in the Environmental Impact Studies (Langmaid's Island and Mainland) prepared by Riverstone Environmental Solutions, dated January 2018 and Peer Review prepared by Palmer Environmental Consulting Group dated October 29, 2018.
  - iv) The Owner has entered into an Agreement with a Conservation Body as defined by the *Conservation Land Act* regarding the management of Blocks A, B, C and D the lands, including but not limited to providing access to the conservation body to the lands.
  - v) Upon the completion of any purchase and sale of a lot within the Plan, the purchaser shall be provided with a Stewardship Manual prepared by a qualified ecologist and approved by the District.
  - vi) Construction debris and garbage is to be disposed of at the appropriate transfer station and not stored on Blocks E and F.

**Clearance Letters**

25. Prior to final approval, the Township shall advise the District, in writing, that Conditions 3, 4, 5, 12, 13, 14, 17, 18, 19, 20, 22 and 23 have been complied with to their satisfaction with a brief and concise statement detailing how each condition has been satisfied.

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26. Prior to final approval, the Town shall advise the District, in writing, that Conditions 3, 4, 11, 13, 14, 20, 21, 22 and 23 have been complied with to their satisfaction with a brief and concise statement detailing how each condition has been satisfied.
27. Prior to final approval, the District shall be satisfied that Conditions 1, 2, 3, 4, 5, 6, 8, 9, 10, 13, 15, 16, 17, 19, 20, 22, 23, 24 and 25 have been complied with to their satisfaction.
28. Prior to final approval, Bell Canada shall advise the District, in writing, that Condition 3 have been complied with to their satisfaction with a brief and concise statement detailing how this condition has been satisfied.

**Final Approval**

29. The final Plan must be in registrable form together with all necessary instruments or plans describing an interest in the land.
30. Prior to final approval, the Commissioner of Community and Planning Services Development or their designate shall be satisfied that the conditions of approval have been satisfied and the final plans are in conformity with the draft Plan.

**Part C - Lapsing Provision**

In the event that these conditions of draft approval fail to be fulfilled on or before (five years from approval date), the approval herein granted shall be deemed to have lapsed pursuant to the *Planning Act*, R.S.O 1990, as amended.

Extensions to draft approval may be considered provided that existing technical reports are still applicable or updates are provided and the provisions of By-law 2008-22, as amended, including the performance and planning based criteria, are met. No draft approval shall be extended beyond ten (10) years from the original date of approval.

It is the responsibility of the applicant and/or their agent to apply for any required extensions of draft approval at least three (3) months prior to the lapsing date noted above. The District will forward one courtesy notice prior to the lapsing date. This notification is a best efforts courtesy only and the District does not assume any responsibility for notification of lapsing of approval. No further notices will be forwarded and in the event that the appropriate application and related fee are not received, the approval herein granted shall be deemed to have lapsed.

**Part D - Timing of Works**

Any site alteration or the installation of any works that may be the subject of any agreements required by these conditions shall not be permitted prior to the execution of such agreements.

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Where any such works are undertaken in violation of this clause, approval of this plan may be withdrawn as authorized under Section 51(44) of the *Planning Act*, R.S.O.1990, as amended