

ONTARIO LAND TRIBUNAL

Tribunal Ontarien de L'aménagement du Territoire

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

Applicant and Appellant:	Langmaid's Island Corporation
Subject:	Application to amend Development Permit By-law No. 04-180 - Neglect of the Township to make a decision
Existing Zoning:	Waterfront Residential (with 'Heritage Site' overlay)
Proposed Zoning:	Waterfront Residential with an Exception (WR-E__), Waterfront Environmental Protection with an Exception (WEP) and Waterfront Environmental Protection (WEP)
Purpose:	To establish site specific development provisions for the proposed 36 lots for residential uses and to provide for the protection of conservation blocks
Property	Big Langmaid's Island & Little Langmaid's Island
Address/Description:	
Municipality:	Township of Lake of Bays
Approval Authority File No.:	Z 01/18 LOB
OLT Case No.:	OLT-22-002970
OLT Lead Case No.:	OLT-22-002969

AND SEE ATTACHMENT "A"

MINUTES OF SETTLEMENT

B E T W E E N:

LANGMAID'S ISLAND CORPORATION
(the "**Applicant**")

and

CORPORATION OF THE TOWNSHIP OF LAKE OF BAYS
(the "**Township**")

RECITALS:

WHEREAS the Applicant is the owner of Landmaid's Island and Seagull Island, located near the westerly limit of the Lake of Bays, in the Township of Lake of Bays and the District Municipality of Muskoka, and two properties municipally known as 3933 and 4215 South Portage Road in the Town of Huntsville, and the District Municipality of Muskoka (collectively, the "**Subject Lands**").

AND WHEREAS the Applicant filed various development applications, including a zoning amendment and draft plan of subdivision application, pursuant to the *Planning Act* (the “**Act**”) to permit the development on the Subject Lands (the “**Applications**”).

AND WHEREAS the Applicant appealed the Applications (the “**Appeals**”) to the Local Planning Appeal Tribunal (continued as the Ontario Land Tribunal, the “**Tribunal**”).

AND WHEREAS the Tribunal determined that the Appeals would be heard in two phases, with phase 1 occurring February 1 to March 1, 2021 (the “**Phase 1 Hearing**”).

AND WHEREAS on October 26, 2021, Township Council passed Community Planning Permit By-law 2021-11 (the “**CPPBL**”) and repealed Development Permit By-law 2004-180 (the “**DBPL**”).

AND WHEREAS the Applicant appealed the CPPBL on a Subject Land specific basis (the “**CPPBL Appeal**”).

AND WHEREAS the Tribunal issued the decision for the Phase 1 Hearing on September 12, 2022, and directed that phase 2 of the Appeals related to the appealed draft plan of subdivision application (the “**Subdivision Plan**”) for the Subject Lands be scheduled (the “**Phase 2 Hearing**”).

AND WHEREAS the Applicant, Township, District, Town of Huntsville and District of Muskoka (the “**District**”) entered into Minutes of Settlement dated May 29, 2023, in advance of the Phase 2 Hearing for the Subdivision Plan, which was scheduled to commence on June 5, 2023.

AND WHEREAS on July 6, 2023, the Tribunal issued a decision for the Phase 2 Hearing approving the Subdivision Plan and associated conditions of approval.

AND WHEREAS on February 2, 2024, following a motion filed by the Applicant, the Tribunal Ordered that the Applicants CPPBL Appeal be bifurcated from the Hearing of another appellant’s appeal of the CPPBL.

AND WHEREAS following a teleconference call with the Tribunal, a decision issued on February 23, 2024, granting a request by the Applicant to schedule a Subject Land specific Hearing to adjudicate the CPPBL Appeal, together with outstanding matters related to the Phase 1 Hearing decision, as well as proposed red-line revisions to the Tribunal approved Subdivision Plan (the “**Island Specific Hearing**”).

AND WHEREAS the Island Specific Hearing is scheduled to commence on April 9, 2024, for a period of four (4) days.

AND WHEREAS the Applicant and Township (collectively, the “**Parties**”) have resolved between them all of the Applicant’s issues related to the Island Specific Hearing, which agreement is reflected in these Minutes of Settlement (the “**Minutes**”).

NOW THEREFORE THE PARTIES AGREE AS FOLLOWS:

1. The Recitals above are true and accurate and form part of the Minutes.

LIST OF SCHEDULES

2. The schedules to these Minutes form a binding part hereof and are identified as follows:
 - a) Schedule "A" – Subject Land Specific Exception to CPPBL;
 - b) Schedule "B" – Langmaid's Island Character Guidelines;
 - c) Schedule "C" – DPBL Amendment and associated zoning schedule;
 - d) Schedule "D" – Revised Subdivision Plan; and
 - e) Schedule "E" – Revised Conditions of Subdivision Plan approval.
3. Schedules "A", "B", "C", "D" and "E" (collectively, the "**Schedules**") to these Minutes meet all required legislative and policy tests, are appropriate and will result in good planning in the public interest.

ISLAND SPECIFIC HEARING AND DECISION OF THE TRIBUNAL

4. Upon execution of these Minutes, the Minutes will be provided, at that time, to the Tribunal and the other parties.
5. At the Island Specific Hearing, the Parties shall advise the Tribunal that the Applicant's issues have been resolved between them on the basis set out in these Minutes.
6. At the Island Specific Hearing:
 - a) The Applicant shall adduce such oral and written evidence as is necessary to present and support approval of the Schedules.
 - b) The Township shall call such evidence concerning the Schedules as may be agreed among the Parties, either prior to or during the Island Specific Hearing.
 - c) The Parties shall make such submissions as are necessary or desirable, on both procedural and substantive issues, to support timely approval of the Schedules.

- d) The Parties shall call no evidence or make no submissions which are inconsistent in letter or spirit with these Minutes and the Schedules, and shall oppose any efforts by the other parties or any other person intended to secure modifications to, or refusal of, any part of the Schedules.
- e) The Parties shall not provide, directly or indirectly, any support or encouragement to the other parties, or to any other person opposing full approval of the Schedules, other than courteously providing factual information to assist such other parties or persons to properly and effectively take part in the Island Specific Hearing, or otherwise as directed by the Tribunal.
- f) The Parties shall request that the Tribunal issue an Order pursuant to Subsection 51(56.1) of the *Act*, providing that the final approval of the Subdivision Plan, as reflected in Schedule "D" is to be given to the District.

GENERAL

- 7. The Parties will bear their own costs of the Island Specific Hearing.
- 8. These Minutes are binding, and enure to the benefit of the Parties, their successors and assigns.
- 9. The Parties shall diligently and expeditiously execute such further documents and take such further action as may be reasonably required to implement and give full legal effect to the terms of these Minutes.
- 10. The Parties agree to act reasonably and with good faith in respect of all dealings between them pursuant to these Minutes.
- 11. These Minutes constitute the entire agreement between the Parties with respect to the Island Specific Hearing, and supersede any prior agreements, negotiations and understandings with respect thereto.
- 12. Any amendment or waiver of any provision of these Minutes must be in writing and signed by the Parties.
- 13. If any provision of these Minutes is deemed illegal, invalid or unenforceable by an arbitrator or court of competent jurisdiction from which no appeal exists or is taken, such provision will be severed from these Minutes and the remaining provisions will continue in full force and effect.

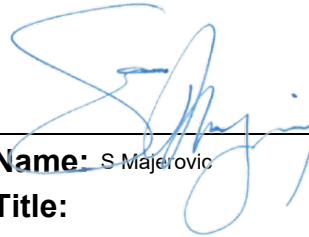
14. These Minutes may be executed in one or more counterparts that together shall constitute a complete set of the Minutes, and executed counterparts may be delivered by email.

IN WITNESS WHEREOF the Parties have executed this Agreement as of the dates indicated below:

Date: April 8, 2024

LANGMAID'S ISLAND CORP

Per:



Name: S. Majerovic

Title:

I have authority to bind the Corporation.

Date:

**CORPORATION OF THE TOWNSHIP OF
LAKE OF BAYS**

Per:

Name: John Ewart

Title: External Legal Counsel

I have authority to bind the Corporation.

14. These Minutes may be executed in one or more counterparts that together shall constitute a complete set of the Minutes, and executed counterparts may be delivered by email.

IN WITNESS WHEREOF the Parties have executed this Agreement as of the dates indicated below:

Date:

LANGMAID'S ISLAND CORP

Per. _____

Name:

Title:

I have authority to bind the Corporation.

Date: *APRIL 8, 2024*

**CORPORATION OF THE TOWNSHIP OF
LAKE OF BAYS**

Per. _____

[Signature]
Name: John Ewart

Title: External Legal Counsel

I have authority to bind the Corporation.

ATTACHMENT “A”

Title of Proceeding

PROCEEDING COMMENCED UNDER subsection 34(19) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant:	Langmaid's Island Corporation
Appellant:	Mitchell Fasken
Subject:	Zoning By-law
Description:	Community Planning Permit 2021-111
Reference Number:	By-law 2021-111
Property Address/Description:	Big Langmaid's Island & Little Langmaid's Island
Property Address:	Township of Lake of Bays
Municipality/UT:	Lake of Bays
OLT Case No.:	OLT-21-001716
OLT Lead Case No.:	OLT-21-001716
OLT Case Name:	Fasken v. Lake of Bays (Township)

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

Applicant and Appellant:	Langmaid's Island Corporation
Subject:	Proposed Plan of Subdivision - Failure of the District of Muskoka to make a decision
Purpose	To permit a development of 36 lots for residential uses with site specific development provisions and to provide for the protection of conservation blocks
Property Address/Description:	Big Langmaid's Island & Little Langmaid's Island
Municipality:	Town of Huntsville and the Township of Lake of Bays
Approval Authority File No.:	S2018-1
OLT Case No.:	OLT-22-002976
OLT Lead Case No.:	OLT-22-002969

SCHEDULE "A"

Subject Land Specific Exception to CPPBL

**Proposed Modification to Township of Lake of Bays
Community Planning Permit By-law _____**

2.23.4 Notwithstanding anything to the contrary in this By-law, including Section 2.23.1, the lands described as Island A (Langmaid Island), Geographic Township of McLean, Now in the Township of Lake of Bays, District Municipality of Muskoka, shall continue to be governed by By-law 04-180, as amended by the decision of the Ontario Land Tribunal on OLT Files 22-002969/22-002970/22-002972/22-002974, save and except the following provisions:

- i) Maximum building height shall be governed by Section 4.2.1.4.j) of this By-law; and
- ii) The definition of “height” shall be governed by the applicable definition in Section 5 of this By-law

SCHEDULE “B”

Langmaid’s Island Character Guidelines

LANGMAID'S ISLAND CHARACTER GUIDELINES

1. Introduction

In support of policies outlined in the Township of Lake of Bays Official Plan and Development Permit By-law, the Character Guidelines for Langmaid's Island ("Guidelines") will ensure high standards of design and functionality for development on Langmaid's Island.

The Guidelines' overarching goal is to ensure that any built form on the Island that requires a Development Permit integrates with the natural environment and topography of the Island, and that the scenic value of the Island is maintained. Further, the Guidelines recommend construction mitigation procedures.

The Guidelines are to be incorporated into the subdivision agreement and apply in conjunction with the Development Permit Bylaw ("By-law") and set out additional detail regarding the location of cottages and accessory structures and infrastructure (*e.g.* leaching beds, utilities and generators).

It is intended that by implementing these Guidelines at the time applications are submitted for Development Permits, the visual impact and physical disturbance to the Island's natural character will be minimized.

GUIDELINES

2. General Character

The character of development at Langmaid's Island will:

- a. be designed to integrate into the existing topography and natural landscape;
- b. encourage and embrace its natural environment;
- c. adhere to best practices for maintaining dark skies.

3. Lot Layout and Massing

To achieve the general character provisions, the siting, height, size and massing of development at Langmaid's Island will:

- a. Be implemented through site specific exemptions to the Waterfront Residential Development Permit Area as set out in the applicable By-law.
- b. Consider that the site and building design promote natural ventilation and solar heat, reducing reliance on mechanical equipment.
- c. Encourage the use of roof lines that scale buildings from major to minor elements.

4. Erosion Control Plans

Erosion Control plans will satisfy the following provisions:

- a. Retention of natural vegetation is encouraged wherever possible, both during construction and throughout the life of the development.
- b. Native plant species used in replanting, restoration and enhancement shall be selected to suit the soil, light and groundwater conditions of the site,
- c. Low-impact storm water control measures shall be integrated into surface treatments and landscape design to encourage detention and improve water quality.
- d. Finished grading will be completed in a way that will provide for water to drain away from buildings, and in a manner that promotes infiltration or clean filtration to the Lake. If the natural site conditions are such that water presently flows across property lines or to the waterfront, the existing condition may be maintained, but unmitigated increase in flows shall not be permitted.
- e. Soft surface landscaping should be designed using low-maintenance and natural materials to the greatest extent possible.
- f. Where appropriate, landscape buffers shall be established that will create a natural transition between dwellings and the waterfront, through the use of soft landscaping and plantings with native species.

5. Decks, Balconies and Patios

- a. Decks shall be designed and limited in a manner ~~are encouraged as a way~~ to create an interface between buildings and the natural environment, to minimize impact and as a way to enhance the aesthetics of building elevations.

6. Site Illumination

- a. Exterior lighting will be designed and installed in accordance with dark sky guidelines to minimize glare and preserve the night sky. Interior lighting plan designs will also minimize lighting impacts on exterior areas.
- b. The use of indirect and/or downward accent lighting is encouraged.

7. Services

- a. Back-up generator installations shall only be utilized in the event of power outages and be designed, installed and operated with quiet operation measures and screening to minimize impacts.

- b. Garbage recycling containers (bear and animal proof), utilities, service kiosks, meters, elevator housings, exhaust elements, satellite dishes, *etc.* shall be screened or enclosed with a combination of landscaping, trees, fencing and gates. Notwithstanding, these services shall not be located within a shoreline activity area.
- c. Water service lines from the Lake to dwellings will be buried or otherwise concealed.
- d. TV satellite dishes larger than 0.9 meters (3 feet) in diameter, whether mounted on the ground or on the roof of a building, are not permitted.

SCHEDULE "C"

DPBL Amendment and Associated Zoning Schedule

THE CORPORATION OF THE TOWNSHIP OF LAKE OF BAYS
BY-LAW 20__-__

BEING A BY-LAW TO AMEND BY-LAW 04-180 KNOWN AS THE
DEVELOPMENT PERMIT BY-LAW (Langmaid's Island Corp.)

WHEREAS it is deemed expedient to amend By-law 04-180;

NOW THEREFORE the Council of the Corporation of the Township of Lake of Bays enacts as follows:

1. Schedule "A" to By-law 04-180 as amended, is hereby further amended by re-designating Island A (Langmaid's Island), Geographic Township of McLean, now in the Township of Lake of Bays, from **"Waterfront Residential (WR)"** Development Permit Area to the **"Waterfront Residential with Exception (WR-EXXX)"** Development Permit Area, to the **"Waterfront Residential with Exception (WR-EXX1)"** Development Permit Area, to the **"Waterfront Residential with Exception (WR-EXX2)"** Development Permit Area, to the **"Waterfront Environmental Protection (WEP)"** Development Permit Area, and to the **"Waterfront Environmental Protection with Exception (WEP-EXXX)"** Development Permit Area as shown on the attached **Schedule "A"**.
2. Section 7 of By-law 04-180 be amended by the addition of the following:
 - (i) "Notwithstanding any provision of this By-law to the contrary, on lands designated "WR-EXXX", "WR-EXX1", and "WR-EXX2", as shown on **Schedule "A"** attached to this By-law 20__-__, no person shall use any *lot* or erect, alter or use any *building* or *structure* except in accordance with the Waterfront Residential (WR) Development Permit Area subject to the following exceptions:

i) Development Permit Area Provisions:

a) *MINIMUM LOT AREA FOR NEW LOTS*

SITUATION	STANDARD	STAFF VARIATION	COUNCIL VARIATION
<i>Lot</i> located in WR-EXXX, WR-EXX1 and WR-EXX2 <i>Development Permit Area</i>	0.8 ha	None	None

b) *MINIMUM WATER FRONTAGE FOR NEW LOTS*

SITUATION	STANDARD	STAFF VARIATION	COUNCIL VARIATION
<i>Lot</i> located in WR-EXXX, WR-EXX1 and WR-EXX2 <i>Development Permit Area</i>	90 M	None	None

c) *MINIMUM SHORELINE YARD SETBACK*

SITUATION	STANDARD	STAFF VARIATION	COUNCIL VARIATION
<i>Lot</i> located in WR-EXXX, WR-EXX1 and WR-EXX2 Development Permit Area	23 metres (75.5 ft)	None	Up to 10%

d) *MAXIMUM LOT COVERAGE*

SITUATION	STANDARD	STAFF VARIATION	COUNCIL VARIATION
<i>Lot</i> located in WR-EXXX, WR-EXX1 and WR-EXX2 Development Permit Area	<p>A maximum of 510 sq. m. (5499 sq. ft). <i>footprint</i>, wherein the calculation of lot coverage shall exclude the following:</p> <ul style="list-style-type: none"> i. any pathway or walkway not more than 2 metres in width surfaced with natural materials such as screenings, gravel, or soil or, where necessary, interlocking bricks, natural stone or wood boards; and, ii) any uncovered deck(s) that are: <ul style="list-style-type: none"> a. less than 0.6 metres in height, b. not attached to a building, c. do not require a handrail pursuant to the Ontario Building Code, d. are situated no closer than 20 metres to the shoreline, and e. not exceeding a total <i>footprint</i> of 170 square metres. 	None	Up to 10%

e) *MAXIMUM SHORELINE ACTIVITY AREA FRONTAGE*

SITUATION	STANDARD	STAFF VARIATION	COUNCIL VARIATION
<i>Lot</i> located in WR-EXXX, WR-EXX1 and WR-EXX2 Development Permit Area	Selective, trimming, limbing and pruning of trees for purpose of views and/or the removal of trees for safety reasons, are permitted within a <i>shoreline activity area</i> no wider than 23 metres, in both cases subject to recommendations of a qualified ecologist. Trees and vegetation may be removed within a <i>shoreline activity area</i> for the purpose of providing a temporary construction access to a maximum width of 6 metres for each activity area. When not in use, the temporary construction access will be revegetated with the exception of a pathway with a maximum width of 2 metres	None	None

- f) Notwithstanding Section 4.79 of the By-law, the *shoreline buffer* width shall be a minimum of 20 metres.
- g) Notwithstanding Section 4.59 of the By-law, the 'minimum off-street parking requirement' for a '*waterfront landing*' use shall be 2 *parking spaces* for each property served, plus 1 visitor *parking space* for every 3 properties served.
- h) There shall be a maximum of 32 *lots* permitted within the WR-EXXX, "WR-EXX1" and the "WR-EXX2" designations.
- i) A Development Permit will be required for each *lot*. Development shall be designed and constructed in accordance with Character Guidelines incorporated into the subdivision agreement applying to these lands. Development Permits shall implement the recommendations in the "Environmental Impact Study" prepared by Riverstone Environmental Solutions Inc. (January 2018) and the "Functional Servicing Report" prepared by C.C. Tatham & Associates Ltd. (January 2, 2018; the "Addendum to January 2, 2018 Functional Servicing Report" prepared by C.C. Tatham & Associates Ltd. (August 9, 2018), and any subsequent addendums to those reports as updated, supplemented, and amended over time.
- j) Within the "WR- EXXX", "WR-EXX1" and "WR-EXX2" designations, a maximum of 3 *sleeping cabins* shall be permitted on a *lot* subject to the following provisions:
- i) Only one *sleeping cabin* may be situated further than 6 metres from the exterior wall of the *detached dwelling*.

Notwithstanding the above paragraph, the other 2 permitted sleeping cabin(s) may be situated further than 6 metres from the exterior wall of the detached dwelling provided that a scoped impact assessment has been prepared by a qualified

ecologist confirming that the proposed area of the cabin(s) can be built with a reduced impact, considering the required site disturbance, degree of vegetation removal, and proximity to natural heritage features.

- ii) No sleeping cabin shall be connected to the detached dwelling by a deck or patio if the cabin is situated greater than 6 metres away from the detached dwelling. Cabins may be connected by walkways and stairways, not exceeding a width of 2m surfaced with natural materials such as screenings, gravel, or soil or, where necessary, interlocking bricks, natural stone or wood boards;
- k) Within the WR-EXX1 designation specifically,
 - i) all provisions in the WR-EXXX designation shall apply, and,
 - ii) despite any other provisions of this by-law, one sleeping cabin not more than 54 square metres in footprint may be rebuilt within the shoreline setback in its original location, building size and height.
- l) Within the WR-EXX2 designation specifically,
 - i) all provisions in the WR-EXXX designation shall apply, and,
 - ii) despite any other provisions of this by-law, the one existing accessory boathouse structure is permitted in its current footprint, building size and height and is permitted on the lot prior to the principal use being established or erected.
- (ii) On lands designated "WEP-EXXX", as shown on **Schedule "A"** attached to this By-law 20__-__, no person shall use any *lot* or erect, alter or use any *building* or *structure* except in accordance with the Waterfront Environmental Protection (WEP) Development Permit Area designation and subject to the following:
 - a) The lands shall be subject to a Conservation Easement in favour of a Conservation Body as defined by the *Conservation Land Act* to the satisfaction of both the District of Muskoka and to the Township of Lake of Bays that ensures ongoing *conservation* of the lands in perpetuity; and,
 - b) No trees shall be removed save and except as permitted by the Conservation Easement.

3. **Schedule "A"** hereby forms part of this By-law.

4. All other provisions of By-law 04-180, as amended, shall apply.

READ a FIRST, SECOND and THIRD time this __ day of _____, 20__.

Mayor

Deputy Clerk

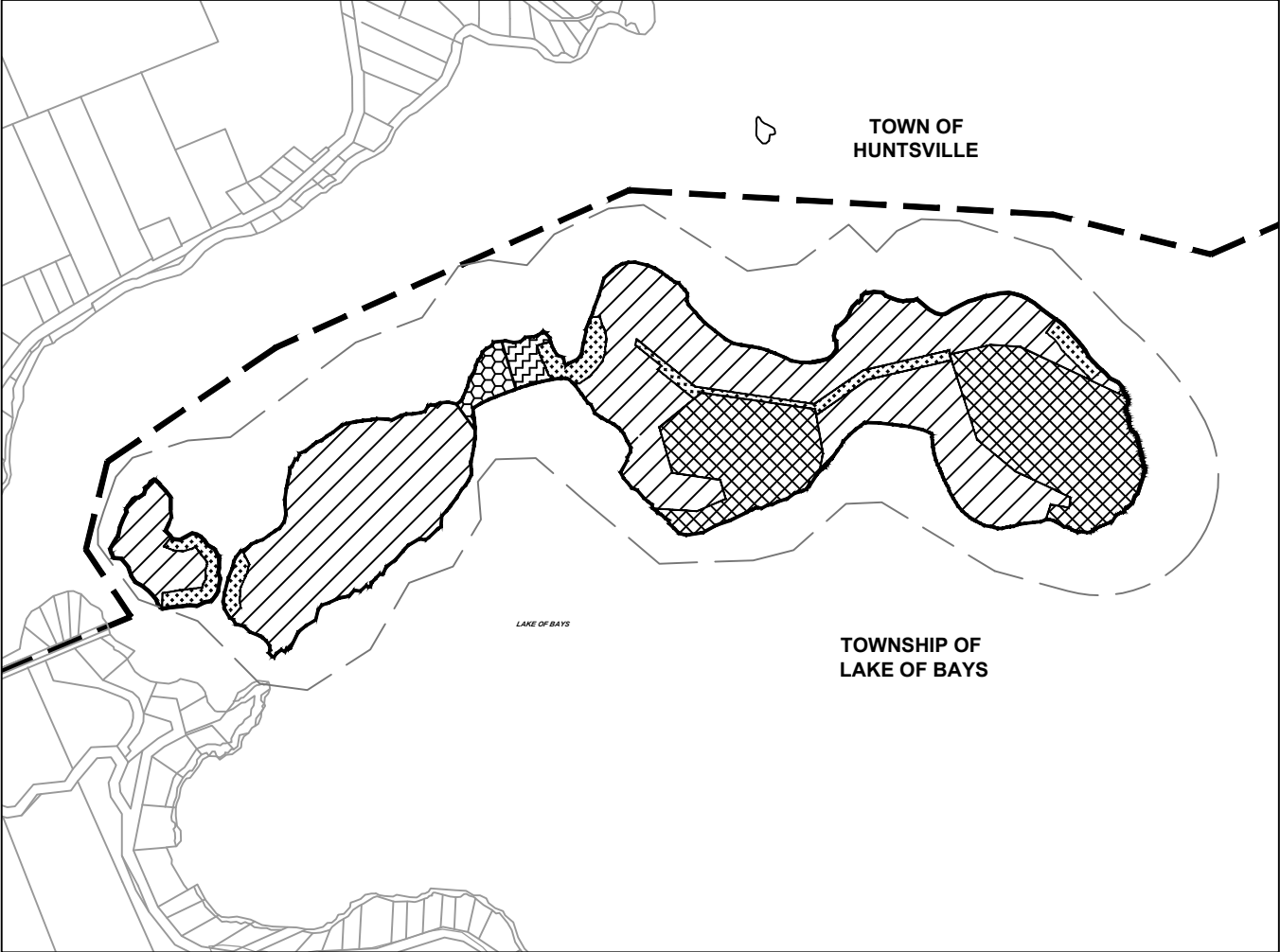
SCHEDULE "A"







By-law Amendment No. 202X- XXX

File

Property Roll No. 040-016-08700

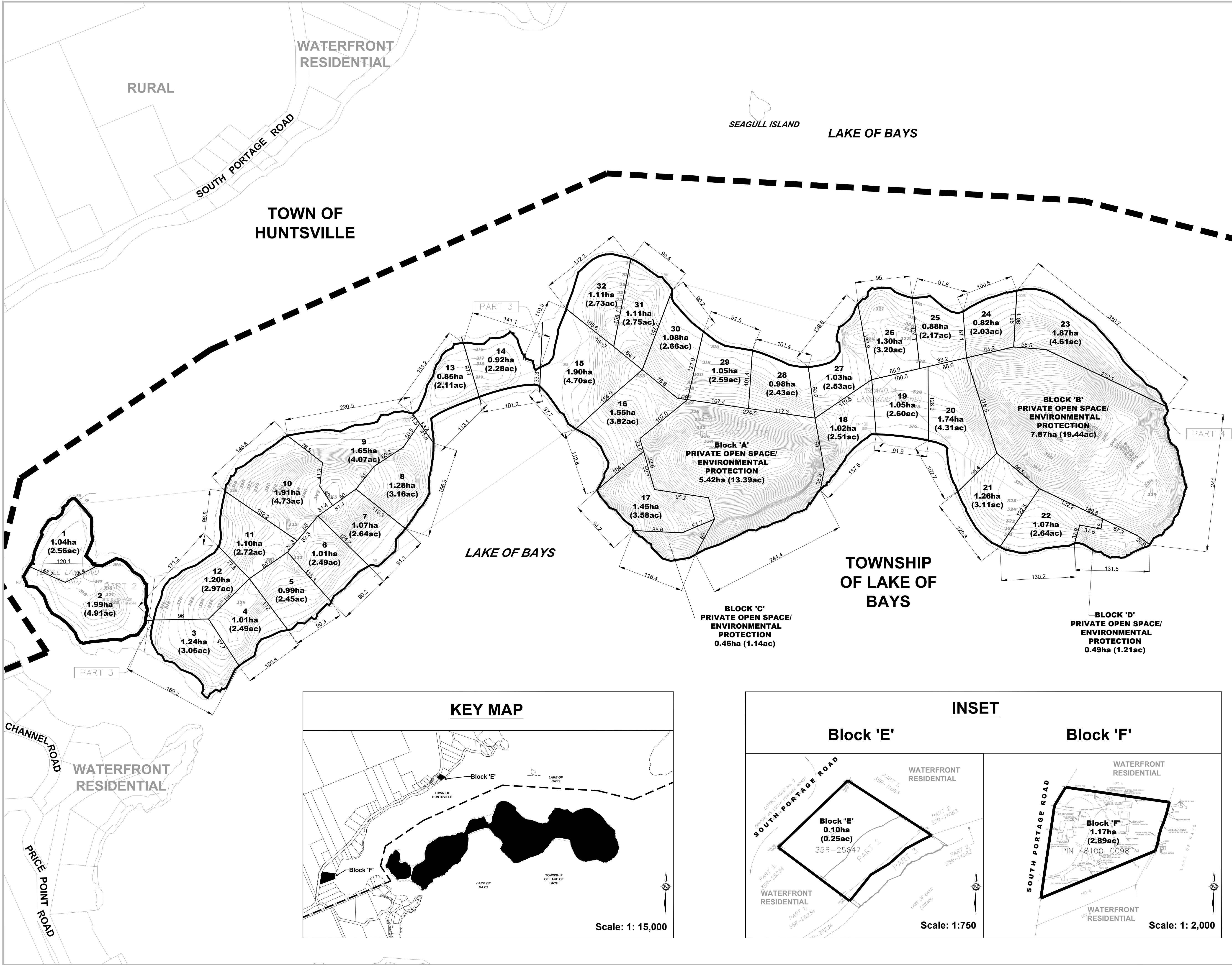
**Island "A", Langmaid's Island, Geographic Township
of McLean, Now in the Township of Lake of Bays**



- | | |
|-------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|  | Lands to be redesignated from the "Waterfront Residential (WR)" Development Permit Area to the "Waterfront Environmental Protection (WEP)" Development Permit Area |
|  | Lands to be redesignated from the "Waterfront Residential (WR)" Development Permit Area to the "Waterfront Environmental Protection with an Exception (WEP-EXXX)" Development Permit Area |
|  | Lands to be redesignated from the "Waterfront Residential (WR)" Development Permit Area to the "Waterfront Residential with an Exception (WR-EXXX)" Development Permit Area |
|  | Lands to be redesignated from the "Waterfront Residential (WR)" Development Permit Area to the "Waterfront Residential with an Exception (WR-EXX1)" Development Permit Area |
|  | Lands to be redesignated from the "Waterfront Residential (WR)" Development Permit Area to the "Waterfront Residential with an Exception (WR-EXX2)" Development Permit Area |
|  | Heritage Area |

SCHEDULE "D"

Revised Subdivision Plan



Legal Description

ISLAND A (LANGMAID ISLAND)
GEOGRAPHIC TOWNSHIP OF McLEAN
NOW IN THE TOWNSHIP OF LAKE OF BAYS
PART OF LOT 24, CONCESSION 1
AND PART OF THE ORIGINAL SHORE ROAD ALLOWANCE IN FRONT OF LOT 24,
CONCESSION 1
ALL OF LOT 7, REGISTRE PLAN M-247
GEOGRAPHIC TOWNSHIP OF BRUNEL
NOW IN THE TOWNSHIP OF HUNTSVILLE
DISTRICT MUNICIPALITY OF MUSKOKA

Owner's Certificate

I HEREBY AUTHORIZE MACNAUGHTON HERMSEN BRITTON CLARKSON PLANNING LIMITED
TO SUBMIT THIS PLAN FOR APPROVAL.

DATE: _____

LANGMAIDS ISLAND CORP.
2596701 ONTARIO INC.

Surveyor's Certificate

I HEREBY CERTIFY THAT THE BOUNDARIES OF THE LAND TO BE SUBDIVIDED ON THIS PLAN
AND THEIR RELATIONSHIP TO THE ADJACENT LANDS ARE ACCURATELY AND CORRECTLY
SHOWN.

DATE: _____

KEVIN P. KUJALA - O.L.S.

Key Plan

✱ Subject Site

Legend

- Original Water's Edge (Tulloch Geomatics Inc. Survey 2017)
- Ordinary Water's Edge (315.2m Elevation) (Tulloch Geomatics Inc. Survey 2017)
- Municipal Boundary- District Municipality of Muskoka Web Map (2017)

Revision No.	Date	Issued / Revision	By
04.	March 05, 2024	Revise Lot 22/ Block D Configuration & Minor Internal Boundary Adjustments to Reflect Survey Work	T.H.
03.	December 12, 2023	Revise Blocks	T.H.
02.	June 1, 2023	Revise Block E to include Part 2	T.H.
01.	August 09, 2018	Revise Lot Boundaries	Y.Y.

Additional Information Required Under Section 51(17) of the Planning Act R.S.O. 1990, c.P.13 as Amended

A. As Shown	B. As Shown	C. As Shown
D. Residential, Open Space	E. As Shown	F. As Shown
G. As Shown	H. Individual Private Water Supply	I. Stoney, Sandy and Acidic
J. As Shown	K. Individual Private Septic System	L. As Shown

Area Schedule

Description	Lots/Blocks	Units	Area
Waterfront Residential	1-32	32	39.52 ha (97.64ac)
Private Open Space/ Environmental Protection (Subject to Easement)	A-D	N/A	14.24 ha (32.83 ac)
Waterfront Landings (Subject to Easement)	E-F	N/A	1.27 ha (3.14 ac)
Total (Langmaid Island)	N/A	32	±53.74 ha (132.79ac)
Lands Outside of Ordinary Water's Edge (Original Water's Edge)	N/A	N/A	±4.57 ha (11.29ac)

Stamp

Date: December 14, 2017

File No.: 17141A

Plan Scale: 1:3,000 (Arch D)

Drawn By: Y.Y.

Checked By: D.K.

Other:

Project

LANGMAID ISLAND
Langmaids Island Corp.
12-79 Wingold Ave.
Toronto, Ontario M6B 1P8
P:416 222 9100

File Name DRAFT PLAN OF SUBDIVISION **Dwg No.** 1 of 1

Scale Bar 0 20 40 60 80 100 150 200 300m

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

SCHEDULE "E"

Revised Conditions of Subdivision Plan Approval

**DRAFT PLAN OF SUBDIVISION FILE S2018-1
(Langmaid's Island)
CONDITIONS OF APPROVAL
(Draft March 8, 2024)**

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 March 5, 2024, certified by Nick McFadzen, Ontario Land Surveyor, on March [TBD], 2024 showing a total of 32 waterfront residential lots, four conservation blocks 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 Survey Plan in digital format, together with Lot Area and Frontage Certificate, prepared by an Ontario Land Surveyor and that may be registered with the Land Registry Office and in accordance with The District Municipality of Muskoka Draft and Final Plan of Subdivision/Condominium Description Digital Submission Requirements. The District shall be satisfied the Final Survey Plan and Certificate is substantially consistent with the Draft Plan of Subdivision described in Condition 1.

Note: Completed digital draft plans and final plans of subdivision must be in AutoCAD version 22 (Release 32) or AutoCAD 2018 (AC1032) or newer format and be provided on USB or via e-mail at gisinfo@muskoka.on.ca. One digital copy of the draft plan and one digital copy of the final plan are required. Each disk or e-mail delivered must be labeled identifying the legal property description, contractor's/surveyor's name, file name and date delivered. Files may be compressed using a .zip format.

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.
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 registration 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, Part of Plan of Survey [TBD] prepared by KPK Surveying Inc. and dated December 14, 2023, representing 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 Shoreroad 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, Part 1 of Plan of Survey [TBD] prepared by KPK Surveying Inc. and dated December 8, 2023, representing an unequal 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 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, together with revisions or addenda thereto, if any, as agreed to by the District, the Township, the Town and the Owner.
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
 - (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, together with revisions or addenda thereto, if any, as agreed to by the District, the Township, the Town and the Owner, and 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.

(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, together with revisions or addenda thereto, if any, as agreed to by the District, the Township, the Town and the Owner.

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, together with revisions or addenda thereto, if any, as agreed to by the District, the Township, the Town and the Owner;
 - (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, together with revisions or addenda thereto, if any, as agreed to by the District, the Township, the Town and the Owner; and
 - (v) Provisions for access and services, including the long-term ownership and maintenance of the waterfront landing properties.
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, together with revisions or addenda thereto, if any, as agreed to by the District, the Township, the Town and the Owner.

- 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.
- 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. 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