

December 14, 2022

Council
Municipality of East Ferris
390 Hwy 94
Corbeil, ON
P0H1K0

PT Hemlock Island Trout Lake PLAN M475 BLK A PCL 12836 W/F, East Ferris; District of Nipissing. Purchase of Part of the Original Shore Road Allowance described as Part 1, Plan 36R-14930, East Ferris, District of Nipissing – By-Law No. 2022-47
Request to reduce purchase price to maximum 12 cents per square foot

Thank you to Council and staff for allowing us the opportunity to present our request to council on December 13, 2022 and for the brief exchange that followed. Mayor Rochefort advised on closing of our discussion that we could expect a decision from Council sometime in January 2023 and that if we had anything further to add to our request, we should submit same before then. With this in mind, we offer the following additional points to support our request and would respectfully ask that Council and staff take this further input under consideration when reaching a decision.

- As advised in our December 2, 2022 letter and reiterated during our December 13, 2022 meeting, when we purchased the subject vacant lot on July 15, 2021, we had no intention of purchasing the subject Shore Road Allowance (SRA) as our previous and present ownership experiences involving lakefront properties in Northern Ontario led us to believe we would have quiet enjoyment of the SRA without constant and unannounced intrusions of various neighbours on the island. These regular intrusions have included local Hemlock Island property owners traversing the SRA abutting the aforementioned parcel at all times of day and night, without any prior notice with a number of these situations including some drunken behaviour accompanied by foul language directed at my wife and myself when we asked that these intrusions cease. My wife no longer feels safe or comfortable during our stays on the island.
- During our initial site visit before we finalized the purchase of the subject lot, we were confronted by two of the neighbours with some direct questions as to our intended use of the property and plans as regards the use of the walking/ATV path along the SRA. At that time, we made it quite clear as to our expectations to enjoy the private use of the SRA. Sensing some “pushback” based on comments from the neighbours as to “history” on Hemlock Island, we proceeded to conduct some research as to rights to and usage of the abutting SRA. This research included various discussions and email exchanges with Greg Kirton in June 2021

and we refer you to email dated June 2, 2021 which includes the following comment by Greg:

"I have not been on the island myself, but I am aware that there is an informal network of trails that run throughout the island including mostly walking trails, but some are larger and probably suited to an ATV. It does appear that one of the more major trails crosses the lot you're looking at. I'm not 100% sure if there is an access easement for the trail, but I highly, highly doubt it. There is no mention of an easement in the legal description and it is exceptionally rare for trails like these to be protected by easements. In short, you could determine whether you wanted to continue to allow the trail to be used as it currently is or whether you wanted to restrict access."

At this point, might we suggest it would have been appropriate to advise us of the issues/objections/comments/concerns surrounding the previous SRA purchase applications presented by Wood, Gray and Chartrand/Keaveney. After we closed our purchase and then quickly suffered the intrusions and invasions of our privacy by neighbouring Hemlock Island residents (as no doubt did the previous aforementioned SRA purchase applicants), we travelled to Corbeil and held a casual outdoor (due to COVID restrictions) meeting with Greg Kirton to present our ownership concerns. It was during this discussion that it became apparent we would be faced with applying for and completing the purchase of the SRA, in order to gain our much sought-after privacy.

- We refer Council to the minutes of the Planning Advisory Committee meeting of **October 16, 2019** as regards File No. LSRA – 2019-02 and LSRA – 2019-03 being the SRA purchase applications presented by Paul Goodridge on behalf of Wood and Gray. It is quite clear that both staff and Council at the time were well aware of numerous comments, concerns and correspondence received from the public on the subject applications with those "objections" following a very similar pattern to our situation. Council may also wish to review comments from Greg Kirton, Terry Kelly and other Council members presented during the Planning Advisory Committee meeting held **October 20, 2021** which would appear to reinforce our concerns over intrusions and lack of privacy. Terry Kelly specifically stated – "I do recall another couple came to Council, not sure which one it is, we are not going to name names anyway, but they said they wanted the privacy when they bought the property, that they wanted privacy in front of their house because they were having people at all hours walking by their home, and I thought to myself if it was me, I would want the same quite frankly. We did have objections then from a similar group, that things were going to change, but things do change and property changes and there is no guarantee as to what is going to happen." It should also be noted that the "objectors" to our application include some of the same Hemlock Island residents that presented concerns/opposition to the Wood and Gray applications. This has been confirmed by Greg Kirton via his email response dated December 16, 2022. A lengthy and consistent history of opposition and behaviour we would suggest, well known to staff and Council.

- The presentation to the Planning Advisory Committee by Paul Goodridge on behalf of Wood and Gray took place **October 16, 2019** with approval recommended on both counts. The Planning Advisory Committee meeting that took place **February 19, 2020** resulted in the Committee supporting approval for Robert Chartrand's request to purchase his SRA on Lot 13 Hemlock Island. It is apparent that these approvals were granted well after the 2019 pricing By-Law came into effect on **June 11, 2019**. In response to our further inquiry, Greg Kirton has confirmed that our SRA purchase application is the first such application on an island in East Ferris subject to the current pricing at .75 per linear foot. Most such applications relate to mainland lots which we suggest carry a much higher market value than island lots. Thus, to date, there has been no .75 per linear foot pricing precedent set for island SRA purchases in East Ferris whatsoever, including Hemlock Island. In fact, the only precedent set for such island SRA purchases has been at .12 per linear foot.

Having said the above and as stated in our letter to Council dated December 2, 2022 and presented verbally on December 13, 2022, if we had known what we might be faced with after purchasing the subject property, including the emotional and now financial stress; we would very likely have passed on the acquisition. With a view to moving forward to salvage what peace and happiness "may" be possible in developing the subject property, we have paid an application fee of \$1,000, a survey cost of \$2,373 and are now faced with the stipulated land cost of \$9,900 plus legal fees, totalling some \$14,000+ that we had no plans of investing in the property. We are not asking to be "given" the SRA but are simply asking that we pay the same price as accepted by the municipality for the previous SRA purchases that closed May 2022 (Wood, Gray, Chartrand/Keaveney), being .12 per linear foot. It is recognized that no two cases or situations are identical and we remain hopeful that Council will favourably consider our request and apply its discretionary powers in its final adjudication.

Many thanks for your time and consideration. We look forward to Council's final decision in January 2023 and trust the aforementioned additional input will be of some valuable assistance in reaching such decision.

Yours truly.

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