

Town of Blue Mountains
Committee of the Whole
Mr. Mayor, Members of Council

B. Anne Robins & Christopher C.
Sorley

[REDACTED]
Blue Mountains L9Y OM8
[REDACTED]

June 11, 2021

Delivered by email: [REDACTED] ; [REDACTED]

Re: Plan 529 Staff Report FAF.21.118

Dear Committee

Firstly, thank you to the Legal Services Department for forwarding a copy Of the Plan 529 Staff Report. Our property abuts block G Plan 529. We would also like to thank staff for proactively bringing this report forward with recommendations. We do not believe the block G is, as it stands, an area of high concern. We know, however, that other owners, particularly in block E and F, have seen a sharp rise in interactions with non-"owners" and trespassers. The proactive approach to try to prevent this from getting worse is therefore appreciated.

Secondly, we acknowledge that the Town has been left in a precarious situation as a result of the less regulated times of the 1950s. Be that as it may, we would submit:

1. That Council approve and direct staff to pursue option number one as outlined in the report;
2. That Council directs staff to include in such signage, a reference to all beach and property beyond the access points, in the particular blocks, as being private property. (The reason for this is that it is our experience that much of the consternation of property owners on the water is not just who uses the access points, but also those people's mistaken belief that the beach access extends beyond the access point. It is clear that in this particular Plan (529) there is no such thing as a public right-of-way across any of the beaches or abutting properties to the access points.)

3. That staff be directed to monitor the situation over the next year to determine if further steps are necessary.

Finally, and perhaps most importantly, while we recognize that the definition of the term "owned" was not defined in the Plan and the Town is not looking to entertain the enforcement of this, we believe that this will require a revisit from the Town within the auspices of the other developments currently seeking approval within plan 529. We would submit that while the Town does not wish to enforce issues of trespass based upon who qualifies as an "owner" under the Judge's Plan, we submit that the Town certainly can and has the obligation to ensure a clear guidelines and limitations respecting post 1956 created properties. In a nutshell, we take the position that "owners" in the Judge's Plan referenced

particular lots then in existence. The subsequent subdivision of plan 529, by the Town, places an obligation on the Town to limit the expansion of the Judge's definition. While we do not know the exact number of "owners" at the time of the Judge's Plan, it does not mean, as a result of new subdivision or newly created lots that the number of "owners" should be permitted to grow exponentially and then entitle these new owners to share in 40 foot beach access. Such a limitation should be written into the new plans of subdivision (ex. Aquavil). This will enable the Town to limit future problems at these access points.

Thank you for your time and consideration of our comments.



B. Anne Robins and Chris Sorley.