

Elisha Hewgill

Subject: SVCA Permit 19-099
Attachments: MNR Reply Lake Bottom March 2020.pdf

From: [REDACTED]
Sent: June 19, 2020 7:19 AM
To: 'Michael Oberle' <m.oberle@SVCA.ON.CA>
Cc: Barbara Dobreen <bdobreen@southgate.ca>; Clinton Stredwick <cstredwick@southgate.ca>;
Randy.Scherzer@grey.ca; roger.grose@ontario.ca
Subject: SVCA Permit 19-099

Michael,

We hope that you are staying safe during these trying times. Yesterday we read the SVCA document (signed by you) submitted in regards to application C1-20, the Homestead development. In it you mentioned that SVCA permit 19-099 has been extended. Originally it was set to expire May 16, 2020. We are hoping for a copy of that permit extension for our files. If it is not noted as such we would like to know the new expire date and perhaps the reason for the extension.

Attached is an email from Roger Grouse of the MNR, Office of the Surveyor General. It again states the bed of Wilder Lake is vested in the crown unless there is evidence to suggest otherwise. Such evidence has never materialized to their knowledge or ours. This confirms earlier documentation we sent you. In earlier correspondence the SVCA stated this matter was not within their jurisdiction. Given the dock sits squarely on the crown property and to our knowledge the owner of Homestead made no attempt to contact the 'owner', which should have been through the MNR. This clearly does not conform to Special Condition 5 of the permit so it now within your jurisdiction. With the extension of Permit 19-099 the owner can proceed with work on a dock that sits on crown land. With the issue surrounding the development and the lake bottom ownership still not formalized and clear to all parties, any work on this dock should not proceed. To date neither the Township or County have commented on this lake bottom issue.

Based on the SVCA (signed by you) concerns on this development as well as the others submitted, any work within your jurisdiction need to be watched carefully. The developer is showing a propensity do things before he is authorized to do so.

We know we've been through this before. It has dragged on for over a year. Nobody is giving us straight answer. It took a diligent search and a number of phone to get the information from Roger Grouse. All we want is clarity on this dock issue and move on from there. Barbara Dobreen is copied as she is our SVCA representative on Southgate council. Also copied are the Township and County.

Regards, Tom & Heather Arnott

Subject: FW: Wilder Lake ~ Sketch to Illustrate Part of Lot 3 Concession 22 Township of Southgate (formerly Township of Egremont)
Attachments: Imagery.PNG; OriginalTownshipPlan.PNG

From: Grose, Roger (MNRF) <Roger.Grose@ontario.ca>
Sent: April 15, 2020 3:45 PM
To: Tom & Heather Arnott [REDACTED]
Cc: Molloy, Perry (MNRF) <Perry.Molloy@ontario.ca>
Subject: Re: Wilder Lake ~ Sketch to Illustrate Part of Lot 3 Concession 22 Township of Southgate (formerly Township of Egremont)

**RE: Ownership of Wilder Lake
Adjoining Lots 3, 4 & 5, Concession 21, and
Adjoining Lots 3 & 4, Concession 22
Geographic Township of Egremont
Municipal Township of Southgate
County of Grey**

Tom & Heather;

I must apologize for my tardy response. The effects of the global pandemic has affected all. I only yesterday returned to the office to review material unavailable to me while working from home with very limited resources.

Your enquiry into the ownership of Wilder Lake has been previously directed to our Provincial Lands Specialist, Scott Kaldeway for review. Scott's response was as follows:

"I can find no separate dispositions or licencing by the Crown of the bed of the lake in that area, save for the sale Roger referred to below in Lot 5, Concession 21.

Lot 3, Concession 22 was patented to Amos H. Willson on February 17, 1865. The description within the grant was all of the Lot, and did not contain any portion of the bed of the lake. The grant included a reservation of mines and minerals, however the mineral rights are now deemed to have passed to the patentee pursuant to Section 61(1) of the Public Lands Act.

While it may be possible that the owners of Lot 3 have infilled the Crown lake bed at some point, I would submit that any such infilling would have been unauthorized. It may also be possible that the point of land is the result of natural accretion. I do note that the area in question appears to be quite low-lying and swampy."

In review of our files, I am in agreement with the the above comment by our title expert. It is therefore MNRF's position, in the absence of evidence to suggest otherwise, the bed of Wilder Lake is indeed Crown vested. I further note the following:

- any given parcel of land or land under water is defined by two properties, "extent of title" and "quality of title". The professional surveyor is the expert in determining the extent of any given parcel, and although I deem the professional surveyor an expert in title when extent is being evaluated, it is the solicitor that is the expert in determining the quality of title. In contracting a professional licensed land surveyor, it is the surveyor's responsibility to collect, review, evaluate and analyze all available evidence to determine where in his/her opinion, the limit between the patented lot and the Crown lake-bed exists.
- I have attached a snippet of the lake as shown on the original township plan and a snippet of our most current imagery. When compared, the two are not all that different which may account for natural occurrences in water levels, the effects the environment or even the effects of past mining production. Also note the bed of the lake is in fact distinct from the adjoining lot fabric, which means it is a geographic entity in its own.
- please note, our information is not supported by a thorough title search, however, the records contained with the MNRF are the basis for continued title integrity from the original grant issued by the Crown to private interests. Our office supports Crown interests only, i.e. un-patented (un-granted) Crown land records governed under the *Public Lands Act*, whereas once the land has been patented, the lands are then governed under the *Registry Act* or *Land Titles Act* as the case may be in which those documents reside within the Land Registry Office.
- in the absence of this lake being artificially altered or impacted by "sudden movements", the extents of the lot fabric, i.e. lots 3, 4 & 5 extend to the natural occurring limit of the "water's edge" as it ambulates from time to time. The bed of the lake is a geographic entity as is any given lot in a concession.
- if it is found that the lake has been altered by artificial means, for ex. past mining production has partially filled in portions of the original bed, that limit would be considered frozen at time of "infilling" and the geographic bed extents will differ than the physical bed extents.
- with reference to Land Registry Office mapping, please note errors do exist. The mapping is just that ... mapping, and is not conclusive of the extent of any given parcel of land or land under water.
- this office does not supply professional survey services to the general public other than requests regarding the extent and title of Crown land. If you require information regarding the boundaries of your private interests, we suggest contracting the services of a private professional land surveyor.

I hope this is of some assistance, and if further information is required, please feel free to contact me.

Thank-you

Roger Grose, Crown Surveyor
 Office of the Surveyor General, Crown Land Surveys
 Ministry of Natural Resources and Forestry
 Peterborough, ON.
 705.755.2143
roger.grose@ontario.ca