



Report to Council

To: Mayor & Members of Council
From: Adele Arbour, Planner
Date: October 7, 2025
Re: **Request to Extend Draft Plan Approval for Plan of Subdivision 15T-16004 and Draft Plan of Condominium 15CD-16002, known as Buffalo Bay and approved by the Ontario Land Tribunal (OLT) October 26, 2022**

Recommendation:

That Council receive this report from the Planner regarding the request to extend Buffalo Bay Draft Plan of Subdivision 15T-16004 and Draft Plan of Condominium 15CD-16002; and further

That Council supports the request to extend draft plan approvals for another three (3) years and that the County be advised of this recommendation.

Financial Implications:

Not applicable.

Background:

The Municipality is in receipt of a letter from Christine Carter of Carter Law, counsel to 2394735 Ontario Inc. requesting an extension to Draft Plan of Subdivision 15T-16004 and Draft Plan of Condominium 15CD-16002 for another three (3) years, for the development known as Buffalo Bay. Draft Plan of Subdivision and Draft Plan of Condominium approval were given by the Ontario Land Tribunal on October 26, 2022. The Buffalo Bay development is located in Part Lots 17 & 18, Concession 14, Geographic Township of Harvey.

Buffalo Bay proposes the development of 16 residential lots and six (6) common element blocks.

Typically, it takes many years to satisfy all draft plan conditions associated with a proposed development and it is not unusual to request an extension. Ms. Carter's letter identifies that the owner has been in the process of obtaining an Overall Benefit Permit to satisfy Condition 17) of the draft plan conditions. An Overall Benefit Permit is required under the Endangered Species Act from the Ministry of Natural Resources and Forestry (MNRF). This Permit is required prior to any site alteration or development commencing on the site. The Endangered Species Act prohibits the harm and harassment of protected species and damage or destruction to their habitat and often involve putting improvements in place resulting in a net positive benefit to the species at risk. Ms. Carter identifies that obtaining such a Permit has been very time consuming

and appears to be imminent.

There is a total of 21 conditions that need to be satisfied, and the applicant is working towards clearing the conditions and additional time is required.

Recently the applicant's consultant IDM (2005) Consultants Inc. submitted to the Municipality a grading plan and plan and profile drawings which are currently under review by the Director of Public Works and the Fire Chief. Ms. Carter has further inquired as to the process of drafting a Subdivision Agreement. Once we are in receipt of the fee to start preparation of the Agreement, a Cost Recovery Agreement will be prepared for the owner to enter into such an Agreement with the Municipality.

Extension to the draft plan approval is required before the approvals lapse on October 26, 2025. Extension to approval is an opportunity for staff to review draft plan conditions and provide comments to the County of Peterborough who is the approval authority. Planning staff are recommending that the draft plan conditions be updated to delete reference to Peterborough Public Health as the Municipality of Trent Lakes is the approval authority for septic systems.

There is a County fee for draft plan extension requests however, there is currently no applicable municipal fee for this planning service.

Prepared by:



Adele Arbour MCIP, RPP
Planner

Submitted by:

Approved by:



Eric Guay
Director of Building and Planning/CBO



Donna Teggart, CAO/Treasurer

Attach. Appendix A – Letter from Christine Carter, Carter Law dated September 10, 2025



September 10, 2025

Delivery by email to Ms. Adele Arbour and to be placed before Council at the next available meeting

Municipality of Trent Lakes

760 County Road 36
Trent Lakes, ON
K0M 1A0

County of Peterborough

470 Water St
Peterborough, ON
K9H 3M3

Re: Request for extension OLT Case Number OLT-22-002059

I am counsel to 2394735 Ontario Inc., the owner of Part of Lot 17 & 18, Concession 14, Geographic Township of Harvey, in the Municipality of Trent Lakes.

As you may recall, this matter was heard by the Ontario Land Tribunal in 2022. The Tribunal released reasons dated October 26, 2022 in which it approved the development of 16 lots and 6 common element blocks. The Tribunal also approved the Plan of Subdivision and Plan of Condominium attached to the Reasons as Attachments 2 and 3 subject to the fulfilment of conditions set out in those Attachments. Finally, it also approved the zoning by-law amendment attached to the Reasons as Attachment #1 and authorized the municipal clerk to assign a number to the by-law for record keeping purposes. Attached for ease of reference is a copy of the OLT decision dated October 26, 2022.

In paragraph 81, the Tribunal held:

[81] AND THE TRIBUNAL ORDERS that pursuant to subsection 51(56.1) of the *Planning Act*, the County of Peterborough shall have the authority to clear the conditions of draft plan approvals set out in **Attachment 2** and **Attachment 3** and to administer final approval of the plans of subdivision for the purposes of subsection 51(58) of the *Planning Act*. In the event that there are any difficulties implementing any of the conditions of draft plan approval, or if any changes are required to be made to the draft plan, the Tribunal maybe spoken to.

One of the conditions of draft plan approval is the requirement for the applicant to obtain an Overall Benefit Permit. Since the Tribunal released its Reasons, the applicant has been in constant (and quite frankly lengthy and frustrating) discussions with the MNR and



MECP with respect to obtaining that Overall Benefit Permit. That process also triggered a Duty to Consult with Indigenous Communities. Both the permit process and consultation are nearing their end. The applicant expects the Overall Benefit Permit to be issued shortly.

The reason for this letter is that the Tribunal indicated that if final approval of the draft plan was not granted within 3 years of October 22, 2022, and no extension has been provided, the Draft Approvals will lapse. Given the upcoming lapse date of October 22, 2025, the applicant hereby seeks an extension to obtain final approval of the draft plan of subdivision.

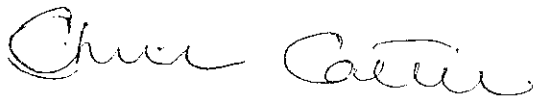
I have reached out to Mr. Ewart, counsel for the municipalities on the OLT Hearing, with respect to the extension. He put me in touch with Ms. Arbour, who asked me to write this letter in support of the request. I understand that the staff at Trent Lakes will support the request for an extension. On behalf of the applicant, I respectfully seek an extension for the final approval of the plan of subdivision to prevent the draft approval from lapsing.

The grading plan and plan and profile drawings have been sent to the planning department at Trent Lakes by IDM (2005) Consultants Inc.

I would also appreciate receiving a draft subdivision agreement for review. I am in the process of arranging for the applicable fee to be paid to the Township and will reach out to the County to determine what fees may be payable at this time as well.

I would be happy to address any question that either staff or Council may have and look forward to hearing from you with respect to the extension request.

Yours very truly,

A handwritten signature in cursive script, appearing to read "Christine Carter".

Christine G. Carter

Enclosure