

From: [Jeffrey Streisfield Land Law](#)
To: [Clerk](#)
Subject: Comments for 2015.GM6.14 for September 30, 2015 City Council (re 36 Westmount Park Road)
Date: Friday, September 18, 2015 11:02:03 AM
Attachments: [sketch of easement lands 2015.pdf](#)

Dear Mr. Mayor and Members of Council,

I represent the owner of the above property and wish to respond to various matters set out in staff's report to GMC.

In 2013, the City trespassed onto our client's lands and constructed various works on the lands without permission from the owner and without any plans or permits from the TRCA as it relates to Parts 2, 3 and 4 on the attached sketch.

As staff is aware, the City's trespass and unauthorized works continues. The area of the City's trespass is shown as Parts 2, 3 and 4 on the attached sketch. Please note that the city surveyor prepared the attached sketch in 2015 in order to delineate the area of its trespass.

When the City first approached our client to resolve the matter it sought a temporary easement only. This request was to facilitate further re-lining work **for the sanitary sewer only** and to provide a temporary construction area on our client's lands for that work. Unfortunately Staff have changed their position and now seek a permanent easement over a greater area of our client's lands.

Of major concern to our client is that since 2013, the City has left our client's lands open to the public for recreational use including unauthorized burning. Indeed, the City has built a recreational trail through our client's lands and beyond. Despite repeated requests, the City has failed to secure and or control the unauthorized public access onto our client's (private) lands.

The owner is willing to continue negotiations with the City and has provided Staff with a settlement proposal which includes provision for a temporary easement only. That proposal also requires the City to undertake restoration works including access control measures on and adjacent to its lands in a timely manner.

We await Staff's response to our latest settlement proposal. In the meantime, we would ask Council to defer approval of recommendations 1 and 2 in the report to Committee.

Would you kindly confirm receipt of this submission and provide me with a copy of council's decision.

Thank you.

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Survey Sketch: Easement Area Requirements

