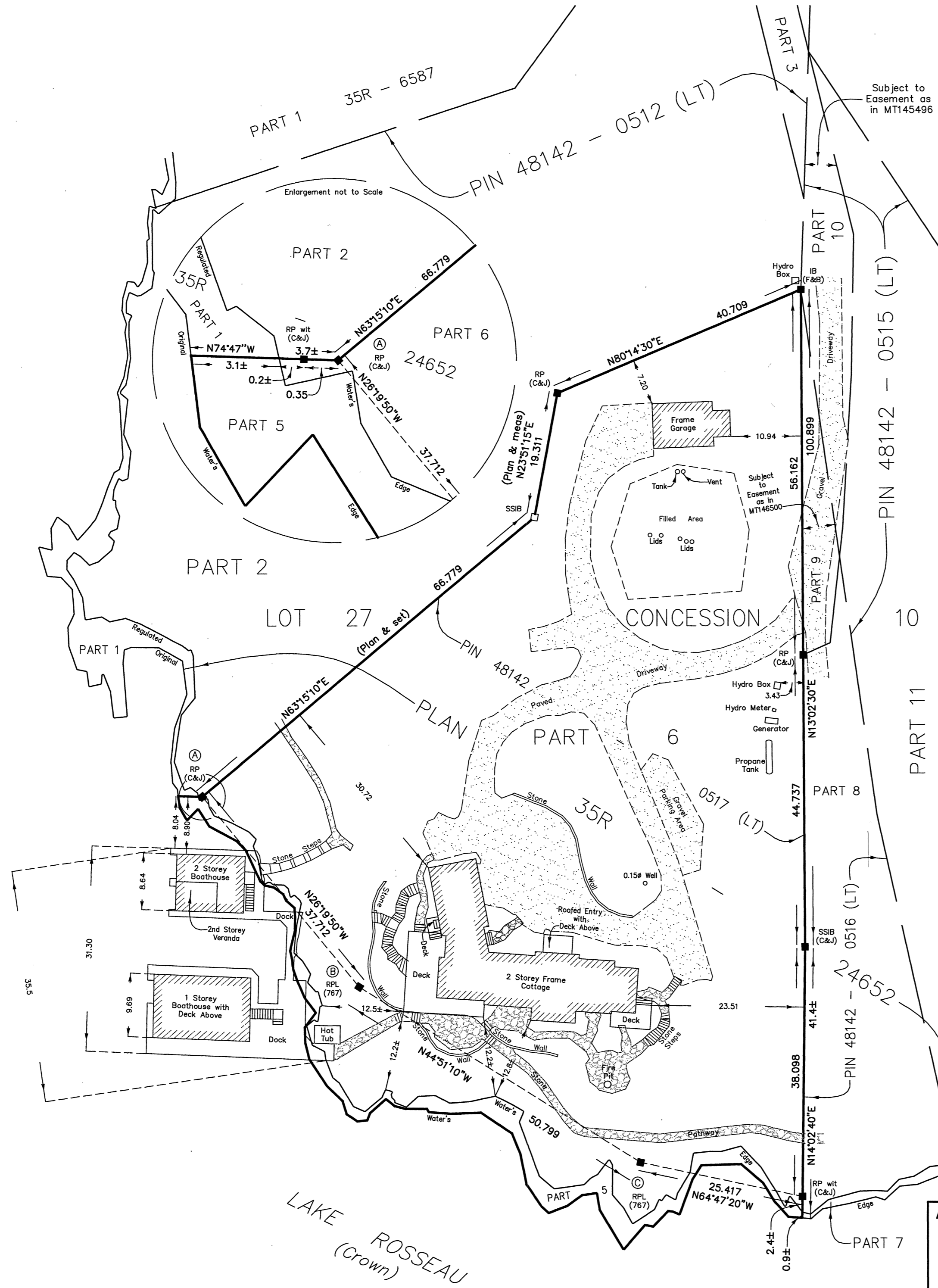


Radial Ties from (A)		Radial Ties from (B)		Radial Ties from (C)	
To Regulated Water's Edge		To Regulated Water's Edge		To Regulated Water's Edge	
Azimuth	Distance	Azimuth	Distance	Azimuth	Distance
150°24'	22.3	176°46'	17.1	120°25'	26.0
149°56'	21.8	175°40'	16.8	115°52'	23.5
150°09'	20.6	178°57'	16.2	120°40'	23.3
152°06'	20.5	181°50'	17.2	115°43'	21.4
150°08'	19.3	190°47'	19.0	105°21'	18.5
150°27'	18.5	196°13'	18.3	94°14'	15.6
154°26'	17.3	205°12'	15.0	95°43'	12.5
154°46'	16.8	209°37'	14.5	94°26'	10.6
155°40'	16.5	218°09'	12.3	93°33'	8.2
157°32'	16.5	221°46'	11.2	114°46'	7.7
157°43'	15.7	232°25'	11.5	143°18'	7.4
154°10'	13.9	247°11'	10.0	150°09'	7.9
151°58'	13.0	247°43'	8.6	154°58'	6.3
149°02'	11.6	243°16'	8.3	165°06'	6.7
147°23'	10.9	257°05'	6.7	166°00'	6.3
141°33'	10.5	256°44'	6.4	177°02'	7.5
140°18'	9.0	277°09'	6.4	200°53'	9.5
144°42'	6.1	277°09'	6.7	214°02'	7.4
161°16'	3.4	288°16'	8.0	234°32'	6.6
159°19'	1.9	298°14'	7.7	277°52'	4.3
121°27'	0.9	307°47'	9.5	289°06'	4.9
231°54'	0.7	310°44'	11.3	267°51'	6.9
Radial Ties from (A)		Radial Ties from (B)		Radial Ties from (C)	
To Original Water's Edge		To Original Water's Edge		To Original Water's Edge	
Azimuth	Distance	Azimuth	Distance	Azimuth	Distance
154°19'	10.6	180°01'	17.6	301°35'	19.6
155°32'	8.6	180°07'	4.6	307°25'	21.5
180°07'	4.6	188°32'	19.4	307°42'	24.5
212°24'	1.9	190°00'	20.4	302°46'	27.8
226°01'	4.3	190°00'	20.4	300°27'	30.7
257°47'	3.8	194°17'	20.5	301°15'	33.2
154°19'	20.4	199°04'	19.5	301°15'	33.2
153°34'	19.4	201°47'	17.6	299°46'	35.6
154°56'	17.7	211°33'	15.9	296°31'	36.9
158°08'	16.6	227°59'	13.5	296°55'	38.9
158°49'	15.7	237°33'	11.9	297°17'	38.9
Radial Ties from (A)		Radial Ties from (B)		Radial Ties from (C)	
To Original Water's Edge		To Original Water's Edge		To Original Water's Edge	
Azimuth	Distance	Azimuth	Distance	Azimuth	Distance
106°06'	9.3	106°06'	9.3	106°06'	9.3
121°15'	8.4	121°15'	8.4	121°15'	8.4
156°26'	9.9	156°26'	9.9	156°26'	9.9
160°08'	9.0	160°08'	9.0	160°08'	9.0
163°50'	8.5	163°50'	8.5	163°50'	8.5
182°23'	10.0	182°23'	10.0	182°23'	10.0
189°34'	9.6	189°34'	9.6	189°34'	9.6
204°32'	13.6	204°32'	13.6	204°32'	13.6
234°18'	9.6	234°18'	9.6	234°18'	9.6
248°34'	8.2	248°34'	8.2	248°34'	8.2
254°19'	10.3	254°19'	10.3	254°19'	10.3
252°56'	13.1	252°56'	13.1	252°56'	13.1
254°44'	16.1	254°44'	16.1	254°44'	16.1
259°24'	16.6	259°24'	16.6	259°24'	16.6
272°32'	17.8	272°32'	17.8	272°32'	17.8
287°25'	18.5	287°25'	18.5	287°25'	18.5
296°00'	20.2	296°00'	20.2	296°00'	20.2
300°31'	25.7	300°31'	25.7	300°31'	25.7
297°36'	30.1	297°36'	30.1	297°36'	30.1
296°36'	33.4	296°36'	33.4	296°36'	33.4
297°19'	33.8	297°19'	33.8	297°19'	33.8
296°05'	37.0	296°05'	37.0	296°05'	37.0
296°09'	38.7	296°09'	38.7	296°09'	38.7
123°29'	24.2	123°29'	24.2	123°29'	24.2
119°30'	21.4	119°30'	21.4	119°30'	21.4
112°50'	19.1	112°50'	19.1	112°50'	19.1
104°20'	15.5	104°20'	15.5	104°20'	15.5



**SURVEYOR'S REAL PROPERTY REPORT (PART 1)**  
**PLAN OF SURVEY OF**  
**PART OF LOT 27, CONCESSION 10**  
**GEOGRAPHIC TOWNSHIP OF MEDORA**  
**TOWNSHIP OF MUSKOKA LAKES**  
**DISTRICT MUNICIPALITY OF MUSKOKA**  
**COOTE, HILEY, JEMMETT LIMITED ©**



DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

**LEGEND**  
 BEARINGS ARE UTM GRID AND ARE REFERRED TO THE NORTHWESTERLY LIMIT OF PART 6 AS SHOWN ON PLAN 35R-24652 HAVING A BEARING OF N63°15'10"E.  
 ALL BUILDING TIES SHOWN HEREON ARE TO THE FACE OF THE SIDING UNLESS OTHERWISE NOTED.

- ..... MONUMENT FOUND
- SSIB ..... SHORT STANDARD IRON BAR
- IB ..... IRON BAR
- RP ..... ROCK POST
- RPL ..... ROCK PLUG
- 767 ..... M.W. FITZMAURICE O.L.S.
- F&B ..... FITZMAURICE & BOYER
- C&J ..... COOTE, HILEY, JEMMETT LIMITED
- WT ..... WITNESS
- CGVD28 ..... CANADIAN GEODETTIC VERTICAL DATUM 1928 (PRE-1978 ADJUSTMENT)
- MTO ..... MINISTRY OF TRANSPORTATION ONTARIO
- Plan ..... PLAN 35R-24652

**PART 2**  
 THIS PLAN MUST BE READ IN CONJUNCTION WITH A SURVEY REPORT DATED FEBRUARY 28, 2017.  
 THIS REPORT WAS PREPARED FOR ROBERT BRADLEY CLARKE AND MARILYN ANNE CLARKE AND THE UNDERSIGNED ACCEPTS NO RESPONSIBILITY FOR USE BY OTHER PARTIES.

**SURVEYOR'S CERTIFICATE**  
 I CERTIFY THAT:  
 1 - THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE REGULATIONS MADE UNDER THEM.  
 2 - THE SURVEY WAS COMPLETED ON THE 12th. DAY OF AUGUST, 2016.

FEBRUARY 28, 2017  
 BRACEBRIDGE, ONTARIO

*John W. Hiley*  
 JOHN W. HILEY  
 ONTARIO LAND SURVEYOR

ASSOCIATION OF ONTARIO LAND SURVEYORS  
 PLAN SUBMISSION FORM  
 2005152

THIS PLAN IS NOT VALID UNLESS IT IS AN EMBOSSED ORIGINAL COPY ISSUED BY THE SURVEYOR in accordance with Regulation 1028, Section 29(3).

**COOTE, HILEY, JEMMETT LIMITED**  
**ONTARIO LAND SURVEYORS**

Website: www.muskokasurveyors.com  
 E-mail: surveys@muskokasurveyors.com

127 Keith Road  
 Bracebridge, Ontario  
 P1L 0A1

Phone: 705-645-4611  
 800-494-1443  
 Fax: 705-645-1845

Drawn by: I.L. File: 23617

Archived Survey Plans: www.landsurveyrecords.com

COOTE ♦ HILEY ♦ JEMMETT

**Part 2**

Surveyor's Real Property Report  
 File No. 23617

Prepared for Robert Bradley Clarke & Marilyn Anne Clarke

**Legal Description**  
 The subject lands form part of Lot 27, Concession 10, in the Geographic Township of Medora, now in the Township of Muskoka Lakes in the District Municipality of Muskoka described in PIN 48142-0517(LT) and designated as Parts 5 and 6, Plan 35R-24652.

The lands are bounded on the south by the limit of Lake Rosseau, which is located at the Geodetic Contour of Elevation 225.55.

**Research**  
 The plan attached hereto illustrates the results of the field survey completed on February 24<sup>th</sup>, 2017 and the office research undertaken in conjunction therewith.

An outline of the various aspects of the project is as follows.

**Monumentation**  
 Six existing survey posts were located around the perimeter of the property and all of these can be attributed to previous surveys undertaken by Fitzmaurice & Boyer, O.L.S. and our firm. Sufficient retracement of adjoining lot lines was undertaken to enable us to place one new post where the original was missing.

Where possible a two-inch wooden stake, painted white with a red top, was placed beside each survey monument.

The limit of Lake Rosseau was accurately located by taking soundings to the 225.55 metre contour and ties were also taken to the present limit of the lake, which is controlled by dam under normal conditions, at an elevation of approximately 225.95 metres.

**Dimensions**  
 The bearings and distances around the property conform to those shown on Plan 35R-24652.

The unroofed area of the property was measured at 8,094 square metres (87,120 square feet), the straight-line frontage at 112.32 metres (368 feet), and the distance along the present water's edge at 152 metres (500 feet), more or less.

The area of the property lying within 200 feet of the high water mark is 5,885 metres (63,350 square feet).

**Site Details**  
 The structures were accurately located, together with other selected site details and the positions of these are shown on the plan with the pertinent distances to the property lines.

- Items to which attention is drawn or those that do not appear on the plan are set out as follows:
- The areas of the various roofed structures with 0.05 metres removed for siding are as follows:
 

Cottage and roofed entry	343.4 square metres	(3,696 square feet)
2 storey boathouse	88.6 square metres	(954 square feet)
1 storey boathouse	141.3 square metres	(1,521 square feet)
  - The heights of the various structures are as follows:
 

Cottage	13.10 metres	(43.0 feet)
2 storey boathouse	7.62 metres	(25.0 feet)
1 storey boathouse	2.93 metres	(9.6 feet)
  - The garage lies more than 60.96 metres (200 feet) from the high water mark and has an area 71. square metres (771 square feet) and a height of 4.00 metres (13.2 feet).
  - The area of the second storey portion of the boathouse, less 0.05 metres for siding, is 60.38 square metres (650 square feet) and the area of the second storey veranda is 28.2 square metres (303 square feet).
  - The width and frontage coverage of the boathouse/dock structure are 31.3 metres (102.7 feet) and 35.5 metres (116.5 feet) respectively.
  - The sideyard setback to the two storey boathouse and dock are 8.90 metres (29.1 feet) and 8.04 metres (26.3 feet) respectively.
  - The mutual driveway passing through Part 9 35R-24652 lies up to 2.5 metres onto the subject lands.
  - The filled area has the characteristics of containing a tile bed.

**Lake Rosseau**  
 Lake Rosseau is currently controlled at a level 0.4 metres (1.3 feet) higher than that which existed at the time of the original survey of the Township of Medora; the control dam was put into operation in 1882 and has regulated the lake level since that time.

The Township of Medora was surveyed prior to the lake level being controlled, however Lot 27, Concession 10 was not patented until February 27<sup>th</sup>, 1883.

I have been commissioned as an Ontario Land Surveyor for over 37 years, all of which have been in the Muskoka region and prior to that I articulated to Maurice W. Fitzmaurice, O.L.S., whose direct knowledge of the survey practices in this area dated back to the late 1940's and was supplemented from what was passed on to him by E.L. Burgess, O.L.S.

In all the years I have practiced I have always known that the Crown were steadfast in their belief that they did not have ownership of the portions of land covered by the waters of artificially controlled lakes no matter when the lands were patented.

Today we appear to be faced with a new policy that has been dictated to us by the Ministry of Natural Resources & Forestry; in simple terms, they now feel that if a piece of Crown Land was patented after a lake level was controlled, then the portion of the lot covered by water at the date of the patent remained with the Crown.

They rely on the premise that the *Beds of Navigable Waters Act*, which is set out as follows, does not speak to whether a lake level is artificially regulated or not, therefore it affects both lakes that have controlled levels and those that do not.

"Where land that borders on a navigable body of water or stream, or on which the whole or a part of a navigable body of water or stream is situated, or through which a navigable body of water or stream flows, has been or is granted by the Crown, it shall be deemed, in the absence of an express grant of it, that the bed of such body of water was not intended to pass and did not pass to the grantee. R.S.O. 1990, c. B.4, s. 1.

This latest policy of the Ministry of Natural Resources & Forestry has yet to be put into writing so this report simply places the reader on notice that there may be some future ownership issues with the portion of the lands shown as lying between the Regulated Water's Edge and Original Water's Edge as noted on the plan and designated as Part 5, Plan 35R-24652.

**Easements**  
 There are no registered easements or rights of way affecting the fee lands.

**By-law Compliance**  
 This report does not address any issue of by-law compliance, but provides an illustration of the details necessary to obtain pertinent comments from the Corporation of the Township of Muskoka Lakes.

**Access**  
 This report does not address any issue of access to the property beyond what is illustrated on the plan.

Bracebridge, Ontario  
 Dated: February 28, 2017

*John W. Hiley*  
 John W. Hiley, O.L.S.

LAKE ROSSEAU IS ARTIFICIALLY REGULATED TO AN ELEVATION OF 225.95 CGVD28.

THE LIMIT OF LAKE ROSSEAU AS SHOWN ON THIS PLAN HAS BEEN RE-ESTABLISHED BY SURVEY AND BY IDENTIFYING THE CONTOUR OF ELEVATION 225.55 CGVD28 AS THE BEST AVAILABLE EVIDENCE OF THE WATER'S EDGE EXISTING IMMEDIATELY PRIOR TO THE CONTROLLING OF THE WATER LEVEL BY THE DAM IN PORT CARLING.

ELEVATIONS SHOWN HEREON ARE REFERRED TO MTO PRECISE BENCH MARK No. 429-71 HAVING AN ELEVATION OF 235.72 CGVD28.

LOCAL ELEVATION: TOP OF RPL (C) 228.04 CGVD28

© This plan is protected by copyright.  
 No person may copy, reproduce, or alter this plan in whole or in part without the written authorization of Coote, Hiley, Jemmett Limited.