

Aquatic Plant Control

Waterfront cottage owners have used various control methods for aquatic plants that include raking, mechanical harvesting, removal by hand, the placement of barriers (e.g., mats or blankets placed on the river or lake bottom), cutter-bar devices that mow the plants and the use of chemicals (e.g., herbicide). The underlying regulatory concern is that such practices will in some way harm fish habitat. Procedures are established based on the type of control process being used; i.e., chemical or physical/mechanical. The approach taken will dictate which ministry is most directly involved in the approval process.

Acid Rain/Lake Acidity

FOCUS

Acid rain refers to the influx of airborne acids entering bodies of water through precipitation and ground water runoff. Such acids can directly impact vegetation, fish and the entire ecosystem. Acid sensitivity refers to the ability of any lake to overcome acidic deposits that occur as a result of acid rain.

Acidity in lakes is measured using a pH scale that ranges from 0 to 14; the lower the pH, the greater the acidity. In Ontario, the Ministry of the Environment categorizes the lake's ability to neutralize a certain amount of acid based on the following rating system:

Level 1	Lakes have zero or negative alkalinity and have already become acidic.
Level 2	Lakes have very low alkalinity and are sensitive to heavy acid loadings by way of precipitation (or such things as spring run off).
Level 3	Lakes are moderately sensitive to heavy acid loadings.
Level 4	Lakes are of low sensitivity, but have experienced some damage due to acid rain.
Level 5	Lakes are not sensitive to acid loadings.

Reference Contact the offices of Environment Canada and the Ministry of the Environment for more details about your market area and current initiatives, measurements guidelines and regulations concerning acid rain.

CHEMICALS (HERBICIDES)

The Ministry of the Environment oversees the control of underwater plant growth through the use of chemicals (e.g., herbicides) pursuant to the *Pesticides Act* and a permit (Permit to Purchase and/or Perform a Water Extermination) must be obtained from the Ministry. Properties fronting on the Rideau Canal or Trent-Severn Waterway fall under federal jurisdiction and Parks Canada (Department of Canadian Heritage) should also be contacted. Removal of aquatic plants is seasonally restricted owing to fish spawning periods and exact time frames will be set out in the permit.

Approvals do not in any way relieve the responsibility of the person using such chemicals from recourse by others (e.g., neighbours) for undesirable effects. Clearly, expert advice is required when considering the use of chemicals.

PHYSICAL/MECHANICAL

The requirement for a work permit from the Ministry of Natural Resources and Forestry involving physical or mechanical means will depend on the location of the property and size of the project. A permit is not required for removal of up to 100 square metres of aquatic vegetation annually from any lake or stream south of the line formed by Highway 7 from Lake Huron (Sarnia) to Sharbot Lake at Highway 38 and the area south of Highway 401 from Kingston to the Quebec border.

A work permit is required if any amount of aquatic plant removal is planned in the area north of Highway 7 from Lake Huron (Sarnia) to Sharbot Lake at Highway 38 and the area north of Highway 401 from Kingston to the Quebec border. A permit is required for work involving more than 100 square metres of aquatic vegetation annually from any lake or stream south of the line formed by Highway 7 from Lake Huron (Sarnia) to Sharbot Lake at Highway 38 and the area south of Highway 401 from Kingston to the Quebec border. This general discussion is for education purposes only. Contact the Ministry of Natural Resources and Forestry for current requirements and guidance.

Access and Road Allowances

Access is a key issue when a potential buyer is considering the purchase of a cottage. He or she should determine:

- That the property can be accessed by a public road or a private road.
- If the road is private, who owns the road, what costs are involved (e.g., access and/or maintenance fees) and is there a registered and permanent right to access the property using that road?
- If the road is public, is it open year round and what services/maintenance are provided? Contact the municipality regarding this matter, particularly when the area is zoned as seasonal residential (or similar wording), as restricted maintenance (i.e., maintenance in non-winter months only) may apply in some jurisdictions. Further, what services does the municipality provide to rectify various road-related problems: e.g., washouts, fallen trees, poor drainage, loss of gravel topping and so forth.

If the cottage is on an island, the potential buyer should determine where a car can be parked and a boat docked.

ROAD ALLOWANCES (OPEN AND UNOPENED)

Certain basic facts about legal access by public road should be outlined. (Note: Additional information regarding roads including private access is provided under title-related issues in a subsequent chapter.)

Unless a public road allowance set down originally by Crown surveyors has been closed by municipal decree, it remains open (despite the fact that it has never been used). Interestingly, this rule also applies to roads that are dedicated and accepted within a plan of subdivision. As a point of clarification, subdivision developers will dedicate certain parts of a draft plan of subdivision as *public roads*. However, these do not technically become *public* until the time that the municipality accepts such dedications in accordance with provisions set out in the *Planning Act* and agrees to maintain these roads.

As a further point of interest, a road may become part of the municipal road system if municipal money is regularly spent on that road for its repair and maintenance. Also, a property owner may wish to open an unopened road allowance at private expense. Municipal approval is required and the owner must bring the road up to acceptable standards or provide financial assurances that such costs will be paid should the municipality do the work.

SHORE ROAD ALLOWANCE

The initial laying out of road allowances in Ontario includes the establishment of shore road allowances, which were 66' in width from the high water mark of navigable rivers and shores of lakes. Such roads were rarely opened, but intended for commercial pursuits and public passage. The fact that these have never been opened does not affect their legal status or the right of the public to use them.

Townships surveyed prior to 1850 (primarily eastern and southwestern Ontario) do not contain these road allowances. The existence of a road allowance will normally appear in the deed to the property. Shore road allowances are discussed in more detail under title-related issues in a subsequent chapter.

Buyers should be aware that structures on many waterfront lots (e.g., boathouses and docks) are built on road allowances. In fact, the actual cottage may encroach on part of the shore road allowance. Clearly, the only way to accurately determine such matters is to obtain legal expertise and ensure that a survey is prepared by an Ontario Land Surveyor setting out the location of all structures on the lot.

PRIVATE ROADS/RIGHTS-OF-WAY

Registrants should proceed with caution regarding any property that is accessed by a private road or right-of-way. Such rights-of-way may be deeded or undeeded. Even in the case of deeded right-of-way, the registered description may be vague or the paper trail from one owner to another may not have been completed properly and the legal status of that right-of-way could be called into question.

If the cottage is accessible only by crossing Crown land, the prospective buyer should contact the Ministry of Natural Resources and Forestry directly to ensure that such access can be continued and obtain appropriate written confirmation.

Over many years (dating from the 1930s), various owners on a northern lake had accessed their property using a road crossing the property of the defendants. On June 6 and 7, 2001, the defendants locked a gate and erected a chain effectively closing off both east and west access points. The other owners commenced an action, seeking a declaration that they were entitled to an easement to access their properties. As background, the defendants, approximately one month earlier, sent letters to the various owners. Their concerns centred on high vehicular speeds and traffic volume. Following the letter, speed warning signs were posted, as well as speed bumps. While some improvement occurred relating to speed, the defendants wanted to impose a speed limit of 5 km/hr (3 mph).

The defendant's lawyer pointed out by letter that (a) the defendants had every right to stop access as the property is in land titles and no rights would accrue by usage, (b) the *Road Access Act* does not apply, as it relates to blocking all access. (Note: The various owners had a deeded right-of-way adjacent to the defendants' property that, while not easy to use, was nevertheless available to them). Given the circumstances, the owners engaged a building contractor who provided an affidavit that this unopened road allowance was not a viable alternative.

The Judge, in arriving at a decision, focused on two key arguments advanced by counsel. First, the exceptions do apply to land titles on the issue of easements and rights-of-way that are not registered on title; i.e., an easement arising by implication that is necessary for the reasonable enjoyment of the property. Second, the lawyer for the owners emphasized that these owners would suffer irreparable harm. In particular, they pointed out the current lack of an access route for emergencies or service vehicles (e.g., septic tank truck.).

The Judge granted an Interim Order that the defendants remove all fences and barricades on the land in question, along with an Interim Injunction prohibiting the defendants from impeding or obstructing the owners access to and from their respective properties, pending any subsequent trial of that action.

Reference Harry Peters et al. v. Edward and Deanna Morrison, Ontario Superior Court of Justice, Released November 20, 2001. Digested from full text judgment.

COMMENTARY

Issues concerning private roads and accessibility to property can result in serious disputes and litigation.

Fully investigate and disclose matters concerning easements and rights-of-way. In many instances, accesses in rural areas are poorly described or have never been formally documented. Further, arrangements concerning repairs and associated costs are often either poorly documented or involve a verbal understanding only.

Never allow uncertainty or confusion to creep into negotiations, as the result can prove costly, time-consuming and worse. Seek expert advice on all such matters.

QUESTIONS TO PONDER

- Assume that one of the cottages described above has just been listed for sale. How would you handle this situation with a prospective client who is interested in buying?
- What information should be obtained when a listing salesperson discovers that the property to be listed has a right-of-way or easement?



ZONING REQUIREMENTS

Zoning by-laws are intended to implement overall policies as set down in the official plan. Common provisions applying to all properties have been detailed (along with overall planning concepts) in *Land, Structures and Real Estate Trading*. However, some provisions understandably vary based on specific uses.

Cottages and, more specifically, waterfront homes and cottages, come under closer scrutiny as they are situated on lands in the close vicinity of natural features and environmentally-sensitive areas that the municipality wants to protect. Therefore, added restrictions are often imposed on cottages regarding land use, the erection/location of buildings/structures, required frontages and depths, setbacks, lot coverage and type of construction.

The *Planning Act* provides clear direction to municipalities concerning protection of environmentally sensitive areas:

A municipality can create zoning provisions relating to:

MARSHY LANDS, ETC.

3. For prohibiting the erection of any class or classes of buildings or structures on land that is subject to flooding or on land with steep slopes, or that is rocky, low-lying, marshy, unstable, hazardous, subject to erosion or to natural or artificial perils.

CONTAMINATED LANDS; SENSITIVE OR VULNERABLE AREAS

- 3.1 For prohibiting any use of land and the erecting, locating or using of any class or classes of buildings or structures on land,
- i. that is contaminated,
 - ii. that contains a sensitive groundwater feature or a sensitive surface water feature, or
 - iii. that is within an area identified as a vulnerable area in a drinking water source protection plan that has taken effect under the Clean Water Act, 2006.

NATURAL FEATURES AND AREAS

- 3.2 For prohibiting any use of land and the erecting, locating or using of any class or classes of buildings or structures within any defined area or areas,
- i. that is a significant wildlife habitat, wetland, woodland, ravine, valley or area of natural and scientific interest,
 - ii. that is a significant corridor or shoreline of a lake, river or stream, or
 - iii. that is a significant natural corridor, feature or area.

Cottage Zoning: Examples

Zoning requirements and wordings vary by municipality. Selected examples are included to illustrate typical restrictions placed on waterfront cottages. Registrants should access local zoning provisions.

SETBACK—HIGH WATER MARK

Municipalities may use the high water mark to determine setbacks and other lot related rules, notwithstanding legal debates as to the establishment of a high water mark on an inland lake or river (particularly when water levels are controlled).

NOTE: Many municipalities now typically establish a specific benchmark for bodies of water within their jurisdiction and notify property owners accordingly.

Example Wording

No building or structure shall be located within the minimum required setback of 20 metres from the high water mark of any waterbody or watercourse or within 30 metres of any environmental protection zone (flood plain).

BOATHOUSES, BOAT PORTS AND DOCKS

Various requirements are established regarding how far such structures can extend into a navigable waterway. Once again, the high water mark is the defining benchmark.

NOTE: A boat port is best described as a temporary boat storage facility open on at least two sides that is typically supported by posts.

Example Wording

Boathouses, boat ports and docks must:

- *Be located no closer than 5 metres to a side lot line;*
- *Project into the water no more than 15 meters from the high water mark;*
- *Be used for boat storage only and not for human habitation; and*
- *Must not exceed 4.5 metres in height, nor 6.7 metres from the high water mark to the main roof peak.*

WATERFRONT DECKS (CONNECTED TO THE BOATHOUSE, BOAT PORT OR DOCK)

The municipality typically controls the extent of improvements at the waterfront, including structures. In this example, the wording specifically relates to sundecks.

Example Wording

A sundeck on the land extending from the boathouse, boat port or dock must:

- *Be located no closer than 5 metres from any side lot line;*
- *Not extend further inland than 5 meters from the high water mark; and*
- *Not exceed 25% of the lot frontage.*

TOTAL COVERAGE

The municipality would also set total coverage limits on both structures referred to above.

Example Wording

The total portion of a shoreline occupied by boathouses, boat ports, sundecks and docks, on or connected to a lot, shall not exceed the lesser of 25% of the lot frontage or 22 metres.

Non-Conforming Uses

Municipalities are introducing more restrictive zoning provisions in the interest of improved environmental protection and proper planning. However, most Southern Ontario lakefront developments were established many decades ago. Consequently, recreational zoning by-laws typically contain lists of non-conforming lots, given that they existed prior to the effective date of the present by-laws. Such lots may be used and buildings erected, enlarged, modified or repaired provided that they comply with all other provisions of the zoning by-law (save and except for the special provisions cited).

Environmental Zones/Flood Plains

Cottage owners, as with all owners, should fully investigate what provisions apply to their particular lots and should not operate on the assumption that buildings can be erected or existing structures modified in line with typical requirements. If some portion of the land in question falls within an environmental zone, additional restrictions can apply as to the building setbacks, total building coverage and location of a building on that land. Check with the local municipality for current requirements.

SERVICES



Cottage owners face other challenges given that their properties are sometimes in distant locations in recreational areas. The following information is provided to assist registrants in understanding limitations on services availability.

Hydro One and Telephone Services

As a general guideline, Hydro One Networks Inc. will provide 30 metres of free wire (secondary line) from the last pole location (primary line) on a dedicated, accepted road allowance. The company should be contacted directly involving situations where the primary line is at a distance and must be brought some distance to the owner's property. For example, a group of currently unserved cottages may be located on a private access road that is 500 metres from the dedicated road allowance where the primary line is located. Cottagers should also be aware that services may not be available given that the installation of primary and secondary lines are not economically feasible.

In the case of telephone service, Bell Canada will extend an existing service to a new customer, but (as with Hydro One) provision of services that exceed a specified distance must be borne by that customer. Interestingly, the fact that hydro has already provided services to a cottage or cottages does not automatically assure the provision of telephone services. The telephone company will undertake an independent analysis of demand and the economic viability of installing telephone facilities in a certain area. Bell Canada normally utilizes Hydro One poles to string telephone lines.

The prospective buyer of a cottage should contact Hydro One and Bell Canada directly. It should also be noted that independent telephone companies operate within certain jurisdictions in the province. Rules and procedures may vary.

Municipal Services

Garbage Collection Buyers should ascertain from the municipality whether or not garbage services are provided. Typically, the municipality provides such service on dedicated roads, but either limits or offers no service in the case of more distant recreational areas. In such instances, the property owner may have to take garbage to a landfill site or to bins provided by the municipality at certain points within its geographic boundaries. Cottagers on private access roads typically must pay for a private service or deliver their garbage to a landfill site. Delivery to landfill sites now commonly involve tipping fees (which commonly apply only beyond a certain basic weight limit per visit).

Fire Protection Cottages within a reasonable distance of larger communities are normally serviced by a staffed fire department. However, small rural communities and surrounding areas may rely on volunteers. Even more remote areas will have no service. Registrants are reminded that proximity to a fire hall can impact the rate charged for fire insurance. Typically, insurance companies focus on whether the structure is within five miles of a responding fire hall. In certain locales, insurers may not provide coverage given lack of adequate fire protection.

School Buses Typically, school bus routes are restricted to main public roads. The buyer should contact the applicable Board of Education directly to determine availability. When contacting the Board, be prepared to provide the legal description, municipal address (if available) and the current owner's name. Potential buyers should also be aware that areas consisting of primarily seasonal users may not be serviced by school buses. Policies on this matter vary in recreational areas across the province.

An OREA article (EDGE, July/August, 2007) is reprinted, as it addresses confusion that can arise regarding ownership of hydro poles.

When your clients buy a rural property do you think they know they might be buying hydro poles, too? A recent court case highlights the importance of uncovering all the facts in a real estate transaction—especially when dealing with rural property. The case involved a buyer who purchased a home on four acres in Pembroke and discovered, after the fact, that he owned and was responsible for replacing two decaying hydro poles on the property. Neither the real estate lawyer nor the REALTOR® involved in the case had ever heard of hydro pole ownership prior to this case. According to Hydro One, their policy regarding ownership of the hydro poles is standard procedure.

Hydro One's customer communication department confirmed that it is policy that, if the property is more than 30 metres from the main line, the homeowner is financially responsible for the transmission wire and poles to carry the power over any additional distance. They were unable, however, to provide any written policy regarding how they determine ownership of the equipment.

A section on Hydro One's web site <http://www.hydroonenetworks.com> refers to the company's *Conditions of Service*. It states:

Your Electrical Equipment Customers may own the power lines supplying their premises. In this situation, you're responsible for the installation and maintenance of those power lines. You must comply with all applicable laws, including (but not limited to) the Ontario Electrical Safety Code and ensure that your equipment is properly identified and connected for metering and operation purposes. You must take all necessary steps to correct any deficiencies in a timely fashion. If you don't complete the work in a timely manner, we have the right to disconnect your electrical service.

Our Electrical Equipment We will repair or replace, at our expense, any of our equipment on your property that fails due to ordinary wear and tear. For any other damage, you are responsible for paying us the value of our equipment or the cost to repair or replace the equipment.

CASE BY CASE

In response to an e-mail inquiry for more precision regarding the policy, a representative from Hydro One's customer communication department replied: *"Please be advised that the main lines and poles (typically along the roadside) are owned and maintained by Hydro One Networks. Secondary lines and poles (from the roadside to the building/home) are the responsibility of the property owner. It is important to note that for tree trimming on secondary lines, Hydro One offers to provide a temporary disconnect/reconnect, once per year, free of charge for this type of maintenance. Additionally, Hydro One Networks will always respond to an emergency situation, even where the secondary lines are involved. Our crew will make it a safe situation (disconnect the lines where necessary) in order to allow the customer the opportunity to make arrangements for the necessary repairs."*

But, a clerk in Hydro One's real estate department confirmed that the policy regarding poles is not cut and dry and that they deal with each case individually. *"If the pole is feeding only one property, it's usually customer owned,"* said real estate clerk, Diane Gauvreau. *"But if it crosses someone else's property or serves more than one property, Hydro One has to take an easement in order to access the line and takes ownership of the pole(s)."* Gauvreau added that since April 1999, all easements are registered so it's only the unregistered easements prior to that date where ownership of the poles and/or lines could be unclear.

The best advice for REALTORS® when dealing with rural real estate transactions is to always request an unregistered easement search. When conducting a search, Hydro One suggests that whenever possible, enter the former municipality name as it will yield more accurate results. Since there is a history of municipalities across the province amalgamating or changing names, prior or original names are important. For example: A search for unregistered easements in the current Town of Clarington might have to be conducted under any or all of; Town of Newcastle, Town of Bowmanville, Township of Darlington, etc. Hydro One offers a self-serve online unregistered easement search for \$28.25 per search at <http://www.services.hydroone.com/lvr/welcome.html> or call their real estate department at 1-800-387-1946.

CHECKLIST



A cottage and recreational property checklist is included for further reference. Registrants may find it helpful when posing questions to sellers when listing cottage and recreational property.

COTTAGE AND RECREATIONAL CHECKLIST

1. ACCESS TO PROPERTY

- | | |
|--|--|
| a. Name of Nearest Highway: | |
| b. Name of Nearest County Road: | |
| c. Name of Nearest Municipal Road: | |
| d. Is this property serviced by a private road? | |
| If so, is access seasonal? | |
| Year round? | |
| What are the maintenance requirements related to private road? | |
| Is the driveway private? | |
| Mutual? | |
| Do you cross private property to access your driveway? | |
| If so, is the right of way deeded? | |

Water Access

- | | |
|-------------------------------------|--|
| Is your property water access only? | |
| If so, where is parking available? | |
| Where are launching facilities? | |
| Name of Lake or Waterway: | |
| Is this water navigable? | |
| Name the Connecting Waterways: | |

2. TITLE AND LEGAL MATTERS

- | | |
|--|--|
| Name of Owner(s): | |
| Full Legal Description: | |
| a. Do you have a survey? | |
| Date: | |
| Is it a building location? | |
| If not, are you willing to provide one? | |
| b. Is there a survey of road easements/rights of way? | |
| c. Is there a survey indicating ownership under water? | |
| d. Do any other persons have beneficial interest in this property? | |
| e. Are there easements or encroachments on this property? | |

2. TITLE AND LEGAL MATTERS (continued)

- | | |
|--|--|
| f. Are there any legal restrictions or rights (recorded on title or otherwise within the knowledge of the seller)? | |
| g. Are there any agreements concerning road easements, rights of way? | |
| h. Are there any disputes concerning the property boundaries? | |
| i. Is a copy of the deed available? | |
| j. Is there any ownership of fences? | |
| k. Are there any restrictions associated with crown patent? | |
| l. Are any improvements on the property encroaching over or on the property line? | |

Lot Size

- | | |
|-----------|--|
| Frontage: | |
| Depth: | |
| Acreage: | |

3. SHORELINE

- | | |
|--|--|
| a. Is the shoreline owned privately? By the Crown? | |
| b. Are there any current negotiations to close the shoreline road allowance? | |
| c. Have there been any improvements to the natural shoreline? If so, describe. | |
| d. Are there any pending applications for shoreline improvement? | |
| e. Are there any disputes concerning the shoreline? | |
| f. Are any structures or docks on the shoreline allowance? | |
| g. Is the shoreline measurement included in the lot size? | |
| h. Are there any problems with ice packs? Wave action? Boat traffic? | |

continued

COTTAGE AND RECREATIONAL CHECKLIST (continued)

4. ZONING/PLANNING

- | | |
|---|--|
| a. Current Zoning of Property: | |
| b. Does the zoning conform with local zoning by-laws? If not, explain. | |
| c. Are there any building or zoning restrictions affecting the property? | |
| d. Are all set backs in accordance with zoning? | |
| e. Are there any room additions, structural modifications or other alterations? | |
| f. Are there any applications for severance pending? | |
| g. Are there any applications for minor variance pending? | |
| h. Is this property subject to a site plan agreement? | |

5. WASTE DISPOSAL

- | | |
|--|--|
| a. Is this property serviced by sewers? | |
| b. Is this property serviced by a septic system? | |
| If so, what size? | |
| Type: | |
| Age: | |
| When was it last pumped? | |
| Is there a copy of the septic location permit? | |
| c. Are there any holding tanks? | |
| Privy(s)? | |
| Cesspools? | |
| Pits? | |
| d. Are there any negotiations with the Ministry of Environment concerning the waste disposal system? | |
| e. Is the system, including the bed, entirely on the property? | |
| With proper clearances? | |
| f. Does the Seller grant permission to the Salesperson to obtain information from the Ministry of Environment? | |

6. WATER SUPPLY

- | | |
|---|--|
| What type of water system supplies this property? | |
| a. Drilled well? | |
| Depth: | |
| Water Flow: | |
| Copy of well certificate available? | |

6. WATER SUPPLY (continued)

- | | |
|--|--|
| b. Dug well? | |
| Depth: | |
| c. Water Line? | |
| Buried? | |
| Depth: | |
| Above ground? | |
| Pyrotex? | |
| How far into lake? | |
| d. Date of Most Recent Water Sample: | |
| e. Existence of any water treatment devices? | |
| f. Are any water lines shared with adjoining properties? | |
| If so, is the agreement in writing? | |
| Is it registered on title? | |
| g. Type of Pumping System: | |
| Age: | |
| Location: | |

7. ENVIRONMENTAL

- | | |
|---|--|
| a. What is the acid sensitivity of lake? | |
| b. If your property is located on the Great Lakes or canal system, are any additional approvals needed? | |
| c. Are there chemicals used in the beach area, and do you have appropriate permits? | |
| d. Are there any pending applications concerning the use of chemicals by neighbours? | |
| e. Is this property located within conservation authority jurisdiction? | |
| f. Is this property near a designated flood plain? | |
| Is this property subject to flooding? | |
| g. Has there been any landfill activity undertaken on the property? | |
| Is there any pending? | |
| Location: | |
| Appropriate Approvals: | |
| h. Are there any pending notices, disputes, claims or other negotiations to be carried out with Ministries, Municipalities or other authorities concerning environmental or related issues? | |

continued

COTTAGE AND RECREATIONAL CHECKLIST (continued)

8. STRUCTURE/IMPROVEMENTS

- a. Are there any foundation related problems that you are aware of?
- b. Do you consider the foundation seasonal? Winterized? Partially winterized? Able to be winterized?

c. Siding

- Type:
- Facia and Soffit:
- Roof, Type:
- Age:

d. Windows

- Thermal (# and Location)
- Double Glaze (# and Location)
- Single Glaze (# and Location)
- Further Comments on Windows:

e. Doors

- Thermal (# and Location)
- Wood (# and Location)
- Metal (# and Location)
- Sliding (# and Location)
- Winterized (# and Location)
- Further Comments on Doors:

f. Decks

- Size:
- Type:
- Stained:

9. FUSES/CIRCUIT BREAKERS

a. Electricity

- Amps:
- Access Into Property:
- Approximate Cost:

b. Heating

- Type:
- Approximate Cost:

c. Central Vac?

d. Laundry?

e. Appliances Included?

f. Fireplace?

g. Telephone?

10. STRUCTURAL MEASUREMENTS

a. Main Building

- Type:
- Age:
- Winterized:
- Partially Winterized:
- Seasonal:
- Size of Building:
- Living Room:
- Dining Room:
- Family Room:
- Kitchen: Size:
- Finish:
- Style of Cupboards:
- Appliances Included:

Porch:

Deck:

Den:

Laundry:

Bedrooms:

Bathrooms (Include Type):

Extras:

b. Garage:

c. Boathouses:

Age:

Conforming:

d. Docks, Number:

Docks, Type:

Docks, Conforming:

continued

COTTAGE AND RECREATIONAL CHECKLIST (continued)

11. OTHER**a. Type of Building Foundation**

Full Basement:

Block:

Poured Concrete:

Height:

Depth Below Ground:

Perimeter Wall:

Crawl Space:

Poured Concrete Floor:

Piers:

Type:

Depth Into Ground:

b. Name of contractors that built or supplied maintenance on any of the land and buildings.**12. TAXES/MUNICIPAL SERVICES/UTILITIES****a.** Current Taxes on Property:**b.** Assessment & Year:**c.** Provision for Garbage Collection:**d.** Location of Nearest Dump and Hours of Operation:**e.** Provision of School Bus Service:**f. Provision of Snowplowing**

Municipal:

Private (Name and Cost):

g. Extension of Fire Protection:**h.** Existence of Submarine Cables:**13. MORTGAGES****a.** Copy of Current Mortgage:**b.** Details of Mortgage:**c.** Any Special Prepayment Arrangements or Provisions:**d.** Amount Outstanding and Verification:**e.** Availability of Seller Take Back:**14. PERSONAL PROPERTY/FIXTURES**

Please provide a detailed list of the following

Personal Property Included

Personal Property Excluded

Fixtures Included

Fixtures Not Included

Negotiable Items

15. AMENITIES OF YOUR LAKE**a.** Are there any Marinas?**b.** Are there any stores?**c.** Is there a cottager's association?

If so, what does it cost to belong?

Who is the contact person?

16. ADDITIONAL INFORMATION

Please provide any other information that you feel would be useful.

KNOWLEDGE INTEGRATION

Notables

- Cottages are broadly grouped into seasonal or year round use.
- Cottages must meet requirements of the Ontario Building Code, but many older structures may suffer from various defects, problems and deficiencies.
- Structural movement is a key consideration, as many cottages have been built on perimeter walls or piers that may not meet current standards.
- No clear definition of winterization exists. Buyers must be careful to fully understand the extent of winterization and associated challenges in correcting potential problems.
- An appropriate conditional clause should be inserted in the agreement of purchase and sale to permit the buyer adequate time to have the property professionally inspected.
- Water quality and quantity are primary considerations for cottage buyers. Draft an appropriate condition that addresses both the mechanical system and the ability to have a bacteriological analysis.
- A raised absorption bed may be required given terrain and/or soil conditions.
- As with water wells, an appropriate condition should be included relating to the sewage system including a seller's warranty regarding its good working order.
- The requirement for a boathouse or dock permit will depend on circumstances surrounding the scope of the project.
- A potential cottage buyer should firmly establish what access is provided to the cottage.
- Be particularly cautious with undeeded rights-of-way, while also noting that deeded rights-of-way are not without problems.
- Waterfront cottages come under tighter scrutiny concerning zoning provisions given their proximity to environmentally sensitive areas.
- Cottage buyers should be aware that additional costs may be incurred to obtain hydro and telephone services.



Web Links



Web links are included for general interest regarding selected chapter topics.

WETT	Go to the Wood Energy Technology Transfer Inc. (WETT Inc.) site for additional information (www.wettinc.ca).
Water Quality/ Well Records	Go to the Ministry of the Environment site (www.ene.gov.on.ca) for additional information about drinking water systems and water quality.
Ministry of Natural Resources and Forestry	Go to the Ministry of Natural Resources and Forestry website (www.mnr.gov.on.ca) for detailed information regarding the administration of public lands and requirements specifically focused on cottages.