

June 8, 2018

Via Email

The Clerk of the Township of Muskoka
P.O. Box 129
1 Bailey St.
Port Carling, Ontario
Canada P0B 1J0

Attention: Mayor and Councillors of the Township of Muskoka Lakes

Dear Sirs/Mesdames:

Re: Interim Control By-law

Friends of Muskoka and the Muskoka Lakes Association wish to thank you for recognizing the issues requiring immediate attention in the Resort Village of Minett and taking the initiative to pause consideration of development while those issues are addressed. Despite this responsible decision that allows time to conduct the study necessary to make an informed decision on what development is appropriate for this area, we've become aware that the Muskoka Ratepayers' Association ("MRA") has written you a letter dated June 1, 2018, asking you to reconsider your decision.

When we received a copy of the MRA's letter, we noted that a number of legal concerns were identified. As a result, we asked our lawyer to review and comment on the letter. A memorandum from our lawyer is attached. You will note that there is no substance to any of the legal concerns raised by the MRA. Our lawyer has concluded that:

1. Notice: Prior notice of an Interim Control By-law resolution is not required under applicable laws to be given and, in fact, is seldom given.
2. Those who already have Building Permits: The ICBL does not prevent those with building permits issued before the passing of the ICBL from constructing or occupying their buildings.
3. Alleged "Disrespect for Process, Acting in an Unethical Manner, a Draconian Bylaw": ICBLs have been a well-accepted part of the planning regime in Ontario for 35 years; their use has been endorsed by our country's highest court, the Supreme Court of Canada.

Your resolution directing study recognizes the serious issues facing the Resort Village of Minett and the need for the Interim Control By-law to prevent new development which may prejudice the recommendations of those studies. It represents a prudent and thoughtful approach to balancing public and private interests. Of course, no changes to the Township's Official Plan or Zoning Bylaw, as a result of the study, will be permitted without notice as required by the Planning Act.

Since the Official Plan Amendment for the Resort Village of Minett was adopted much has transpired:

- It has recently come to light that the rules regulating Minett are out of step with Council's requirements. Key policies contained in Official Plan Amendment 34, which are critical to environmental protection and preservation of character, were inadvertently omitted from Official Plan Amendment 40. Notwithstanding the adoption of a new comprehensive zoning bylaw in 2014, at least 16 old site specific bylaws were left in force even though they may not conform with the Official Plan;
- Growth in the Township has been substantially lower than predicted a decade ago. Given that the economic justification for the Resort Village of Minett relied on a much higher growth rate than actually materialized, the assumptions concerning what is appropriate in this area should be revisited;
- Township Council has asked that the District of Muskoka, in its Official Plan Review, specifically review the District Official Plan policies applicable to the Resort Village of Minett; and
- The Province has adopted a new Provincial Policy Statement (PPS) and the *Planning Act* requires that all decisions affecting planning matters be consistent with the new PPS.

As a result of these changes, the fact that the studies which formed the foundation for the approval of Official Plan Amendment 34 are now a decade old, and the risk that new development may try to go ahead now to circumvent the results of the study, it is prudent and responsible for the Township to take a pause to carefully consider the appropriate policies and zoning provisions for lands within the Resort Village of Minett.

Friends of Muskoka and the Muskoka Lakes Association both welcome the opportunity to assist and support the development of Terms of Reference for the required land use study. As significant residential property taxpayers, our members are interested in seeing this work completed in manner that is as expeditious and cost effective as possible.

The MRA has alleged that the ICBL "will require the Township to undertake and pay for various studies that would normally have been to the account of the developer, but now will be an additional substantial cost to the taxpayer". This is patently wrong. Council's resolution clearly provides that it needs a pause to determine what studies need to be done before development

approvals, and appropriate terms of reference for those studies. As is currently the case, the Township can then ask that the developer pay for these studies to be done, and can “peer review” the developer’s studies to ensure they aren’t biased.

As representatives of the interests of TML taxpayers, Friends of Muskoka and the Muskoka Lakes Association are prepared to support the Township to ensure that this work is pursued without delay and invite other interested groups to join us in this constructive effort.

Discussions with Developer

Friends of Muskoka has been approached by a representative of the Fowler family developer to enter into discussions regarding their development plans in the Resort Village of Minett. We have indicated that we are willing to meet with them once they provide us with their development application material, in order to go over their plans and make sure we understand what they are proposing. We have told them that we have many questions about how the various developments in Minett will impact the water quality, and boat traffic and safety in Wallace Bay, how these developments will fit in with the natural character of Muskoka, and what the economic impact of these developments will be on the Township and District – which can only be answered once appropriate studies are done. While we agree that an ongoing dialogue is important, no decision should be made concerning any aspect of the Resort Village of Minett until the studies mandated by your resolution have been completed and their recommendations implemented.

Yours truly,

Friends of Muskoka

Muskoka Lakes Association