

January 5, 2023

Town of Gravenhurst
3-5 Pineridge Gate
Gravenhurst, Ontario
P1P 1Z3

Attention: Adam Ager, Manager of Planning Services

Dear Mr. Ager:

Re: Application by Renaissance Leisure Group (2004) Inc. (the “Applicant”) for certain zoning by-law amendments for lands located at 1209 Muskoka Beach Rd.

We are writing to you on behalf of the Muskoka Lakes Association (“MLA”) and the South Muskoka Lake Community Association. We refer to the MLA’s letter to you dated July 13, 2022 regarding how individual rooms are to be counted for purposes of the Official Plan. For your convenience, a further copy of this letter is attached. The Applicant clarified at the public meeting held on June 28, 2022 how it viewed rooms were to be counted, where the Applicant’s planner stated that:

“The proposal, or sorry the application, is for 183 hotel rooms. I want to be very clear that we are not proposing any more than 183 hotel rooms and that would include the existing 55 rooms that are on site today in the remaining East Wing. So it is an additional 128 rooms and those are single rooms. There is some confusion that there are 2-bedroom rooms but the way the by-law is written, it is per room and we are speaking about per room. Some proposals to offer what may be called lock off rooms, so there are 2-bedroom rooms, we would actually be reducing our overall room count and unit count. It would actually be in the range of 160. So, I want to be really clear that the application is not to exceed 183 rooms. That is the max amount.”

However, in response to our written request for confirmation (where we asked: “2. I also believe I heard the applicant’s planner say at the public meeting that the hotel rooms would be single rooms (no separate bedroom or bedrooms, living room or kitchen and that if there were additional rooms, such as a second bedroom, this would count towards the maximum 183 room count. Could you please confirm.”), the Applicant stated: **The total room/door/keys count is proposed to be a maximum of 183 units.**

At a subsequent Zoom meeting with the Applicant, we again tried to clarify what is meant by an “individual” room. We noted that it is not the number of doors (presumably exterior doors) or the number of keys that are to be counted, but, rather the number of “individual” rooms. We acknowledge that the existing 55 units would count as individual rooms, since they are more traditional hotel room units, with one entrance door leading to a single bedroom (with a microwave and/or bar fridge and an adjoining bathroom and closet). However, a two-bedroom unit should count as two units, regardless of whether the second bedroom has a lock-off/lock-out capability with a separate exterior entrance doorway. This would also be true for a three bedroom or four-bedroom unit (ie. they would count as three units or four units, respectively). Otherwise, how is density to be controlled? The Applicant agreed to disagree with us. Unfortunately, that will not be sufficient. The Town needs to determine its position on this issue, presumably after receiving legal advice.

Our position is consistent with our understanding of Official Plan Section C7.8.1.2a), which provides that: “The maximum density of development shall not exceed 30 units per gross hectare. For the purpose of the section, Unit shall mean: a) an individual room in a hotel;”

As noted in our June 28, 2022 letter, to provide some context, OPA 10 approved in 1980 and repeated in zoning by-law P692-80 applicable to the subject lands at that time, provided that the maximum density of development shall not exceed 30 units per gross hectare (12 units per gross acre) and, for purposes of this plan, unit shall mean: i) An individual room or suite in the hotel provided that each room with sleeping facilities in such suite shall be considered a hotel unit.

Please note that the current provision refers to “an individual room” and not a bedroom or “each room with sleeping facilities.”

It is a fundamental legal principle that every word must be given a meaning when interpreting a statute or an Official Plan. Those drafting and approving the Official Plan clearly meant something when they included the word “individual” in front of “room.” Having regard to the previous language of OPA 10, we respectfully submit that an “individual” room would include each room with sleeping facilities, such that **every two bedroom unit should constitute two units**. There is no justification for, and the language does not support, only counting a two bedroom unit as two units where there is a lock-out/lock-off capability and/or a second entranceway with respect to such second bedroom.

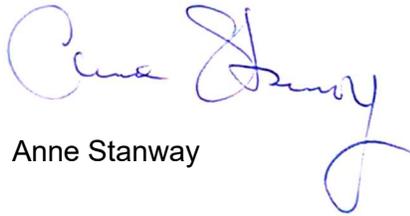
We greatly appreciate if this could be reflected in your staff report.

Yours very truly,



Ken Pearce

Director, Vice-President
and Secretary
Muskoka Lakes Association



Anne Stanway

President
South Muskoka Lake
Community Association

cc Melissa Halford, Director of Development Services
Stephen Fahner, Northern Vision Planning Ltd.
Susan Eplett, President, Muskoka Lakes Association
Laurie Thomson, President, Friends of Muskoka
Town of Gravenhurst Councillors