



May 5, 2023

Submitted via email: PlanningConsultation@ontario.ca

Re: Muskoka Lakes Association’s Comments on “Proposed Planning Act, City of Toronto Act, 2006, and Ministry of Municipal Affairs and Housing Act Changes (Schedules 2, 4, and 6 of Bill 97 – the proposed Helping Homebuyers, Protecting Tenants Act, 2023)” (ERO #019-6821)

Dear Premier Ford and Minister Clark

On behalf of the Muskoka Lakes Association (MLA) and its over 2000 member families who are lakefront property owners and users in the District of Muskoka, we offer the following comments on the ERO Posting #019-6821.

There are three areas within Schedule 6 that we would like to make comments on:

1. site plan control,
2. interim control by-laws, and
3. Ministers Zoning Orders.

1. Regulation-Making Authority for Site Plan Control for 10 Units or Less

In our February 7, 2023 submission on Bill 23, the MLA advocated for the retention of site plan control for the important role it plays in protecting the forest, shorelines and water quality on which Muskoka depends for its tourist appeal and economic viability.

We are in support of the proposed change to the planning act Section 41 (1.2) which currently provides *that the construction, erection or placing of a building or structure for residential purposes on a parcel of land does not constitute “development” for the purposes of section 41 if the parcel of land will contain no more than 10 residential units.* The amendment reinstates that such activities do in fact constitute “development” Our local municipalities rely on site plan control to manage the installation of building, infrastructure and amenities and have no other immediately available tools to ensure protection of the environment. None of the housing concerns expressed by the province are going to be solved along the shorelines of the lakes in Muskoka.

The second modification limits the use of site plan control to parcels of land including *land in a prescribed area*. One must then look to the complementary proposal (ERO#019-6822) which outlines the intent to develop regulations to prescribe any part of a parcel of land that is located within 120 metres of a shoreline or 300 m of a rail line for site plan control.

The regulations could be strengthened by expanding the scope of where site plan control may be applied to be consistent with how they are considered in other acts or regulations, such as the Conservation Authorities Act, and their Section 28 regulations - **rivers, stream valleys, wetlands, shorelines and hazardous lands (associated with flooding, erosion, dynamic beaches or unstable soil or bedrock)**.

Features such as floodplains or steep slopes associated with shorelines may extend much further inland than 120 m of the shoreline. Site plan control in areas where there is no conservation authority, as is the case in Muskoka, allows for control of impacts to those features as well, which falls to the local municipalities to ensure are protected.

We ask that the **changes to the Act and this regulation be retroactively applied** so that the floodgates of those wishing to avoid site plan control are not opened. Once cleared and built the changes to the landscape are permanent. The **regulations must be issued concurrent with passing of Bill 97** to ensure that the municipalities can return to managing our shorelines as quickly as possible.

2. **Interim Control By-laws**

There is a new clause (4) added to section 38 of the Planning Act which enables an individual who received notice of the passing of an interim control by-law (ICBL) to appeal the by-law at the time of initial passing, rather than only at the time of extension.

The rationale for an ICBL is to pause development due to circumstances that have changed since the time that current policy came into effect, in order to conduct studies to determine what appropriate policy and bylaws the municipality should enact. An ICBL is purposefully enacted without the input of property owners in situations where it is potentially in the public interest to change the rules.

The MLA objects to the inclusion of Section 38 (4) into the Planning Act.

3. **New Authority for Minister's Zoning Orders**

Schedule 6 also contains proposed amendments that would provide the Minister of Municipal Affairs and Housing (MMAH) with the authority to exempt certain subsequent approvals required to establish uses permitted by Minister's zoning orders (MZOs) from having to align with policy statements, provincial plans or Official Plans.

Policy statements and plans are developed to reflect the important elements of an area or region. To disregard them in favour of a single objective – in this case housing – could be tantamount to increasing risk from flooding or other natural and manmade hazards, loss of natural or cultural heritage, impacts to drinking water or other specific policy areas. Thoughtful, careful and respectful development must be Ontario’s legacy, not MZO’s that bully their way through municipalities and communities.

The MLA objects to the inclusion of Section 3 (6.1 and 6.2) into the Planning Act.

Sincerely



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President

c.c. VIA EMAIL

Graydon Smith, MPP Parry Sound Muskoka
Neil Lumsden, Minister of Tourism Culture and Sport
Scott Aitchison, MP Parry Sound - Muskoka
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