



Comments on Bill 23

Muskoka Lakes Association

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The Muskoka Lakes Association is a volunteer membership-based organization advocating for responsible stewardship and enjoyment of the unique environment of the Muskoka Lakes.

Our priorities are

- To Monitor, communicate and advocate for Muskoka's natural environment
- To Advocate on behalf of all Muskoka property owners for responsible land use and reasonable taxation
- To Promote the Muskoka Lakes culture and give back to the greater Muskoka community and
- To Increase partnerships with like-minded organizations throughout Muskoka to advocate and educate collectively on important Muskoka matters

Via email to: **Isaiah Thorning, Clerk** schicp@ola.org

Honourable Laurie Scott, MPP
Chair, Standing Committee on Heritage, Infrastructure and Cultural Policy
College Park
5th Floor, 777 Bay Street
Toronto, ON M7A 2J3

Dear Ms. Scott,

**RE: Muskoka Lakes Association Comments – *More Homes Built Faster Act 2022*
Bill 23 and Environmental Registry of Ontario Posting: 019-6172, 019-6163**

Thank you for the opportunity to provide comments on behalf of the Muskoka Lakes Association (the “MLA”) regarding Bill 23, the *More Homes Built Faster Act, 2022* posted on the Environmental Registry of Ontario Postings (ERO) 019-6172 and 019-6163.

The MLA represents more than 2250 families within an area extending from Seguin Township in the north to Gravenhurst in the south, as well as Bracebridge and the Township of Muskoka Lakes. Our association includes residents on the three big lakes — Muskoka, Rosseau and Joseph — as well as numerous other lakes and rivers within Muskoka. The MLA is the oldest cottage association in Canada and has been engaging in matters of municipal and provincial importance since 1894.

General Comments

Our comments are prefaced here, with more detailed comments in Table 1 appended to this letter.

Timing of the Bill - the government has chosen to release this bill as councils were dissolving and new terms were yet to begin. The changes in this bill significantly impact municipalities and there should be ample time for them to understand and engage with the province on their proposed changes. These proposals are not imposing short term fixes but changes that will be in place for decades, the ramifications of which need to be examined. ***We ask that the province extend its comment period and undertake proper consultation with our municipalities.***

Impacted Lands - One of our most significant concerns with this bill is its application to **all lands in Ontario**, regardless of suitability for development or ability to meet the goals of this government for more homes faster. This is a bill more suited to the Greater Golden Horseshoe and other large urban centres that will have the unforeseen consequence of being applied to the forests and shorelines of our lakes and rivers to the detriment of water quality and Muskoka's nature-based economy that is a resource for all Ontario residents and visitors for tourism and recreation. Further, any attempts at residential intensification in such rural areas may exceed the sewage treatment capacity of individual on-site or municipal sewage systems. The wise stewardship of the environment must be integral to all development decisions. ***We ask that Bill 23 focus on urban residential lands that have servicing and existing infrastructure. This is consistent with the definition "parcels of urban residential land" already being used for additional residential units.***

Site Plan Control - Changes to the *Planning Act* Section 41 (1.2) remove site plan control from lands with less than 10 units and the ability for a municipality to control landscaping. Site plan control is one of the tools Muskoka municipalities use to control runoff and nutrient loading to the lakes and to maintain and enhance essential vegetative buffers. Landscaping through site plan control is a key tool used to mitigate the visual and environmental effects of development. The change to remove site plan control will result in uncontrolled development on our shorelines – *with no increase in the number of homes built and no improvement to the housing crisis.* ***We ask that site plan control be retained for Muskoka's rural and waterfront land and that landscaping remain a tool at the disposal of the municipality on these lands.***

Appeal Rights - Organizations like the MLA do engage in municipal planning matters, providing the perspective of our members and, periodically, assisting with technical expertise to our small municipalities. At times we have appealed planning decisions that pushed the boundaries of good planning and development respectful of the environment. This government's proposal to remove the rights of taxpayers and landowners to appeal planning decisions removes one of the checks and balances in the system – holding staff and councils accountable for upholding their policies and ensuring that the environment on which we depend is protected for future generations. ***We ask that third party appeal rights remain for all municipal planning matters.***

Housing Supply - There is a housing shortage in Muskoka but it can quickly be remedied by requiring developers to build the 5,843 draft approved housing units, 5,424 of which are located in serviced Urban Centres. Approximately half of these units have been draft approved for more

than 10 years, with requests to extend draft approval being the most common *Planning Act* application processed by the District of Muskoka Planning Department. Servicing capacity is not an issue but speculation and increasing land value is. ***We ask that the focus for more housing in Muskoka be to build what is already approved.***

Public Notice and Meetings for Plans of Subdivisions - It is crucial that residents and adjacent landowners in Muskoka learn about applications for plans of subdivision and have the ability to speak to them before council. Through public participation, applications have been made more respectful of the Muskoka environment and more reasonable in scale. ***We ask that public meetings continue for draft plans of subdivision.***

Heritage Properties - Our Muskoka municipalities rely on tourism, and cultural heritage is an important component of what attracts visitors to our area, stimulating our economy. Requiring designation of all listed properties within two years will create a significant burden on smaller municipalities to preserve cultural heritage. ***We ask that the proposed requirement that a property meet two or more of the criteria prescribed in regulation to be designated, and the proposed requirement to designate all listed properties within two years, be deleted.***

Please see Table 1 for our detailed comments and recommendations.

We would be happy to expand on any comments made herein.

Sincerely,



Susan Eplett
President

c.c.

Graydon Smith, MPP Parry Sound - Muskoka, Minister of Natural Resources and Forestry

Steve Clark, Minister of Municipal Affairs and Housing

Doug Ford, Premier

Neil Lumsden, Minister of Tourism Culture and Sport

Scott Aitchison, MP Parry Sound - Muskoka

Peter Kelley, Mayor-elect, Muskoka Lakes

Heidi Lorenz, Mayor-elect, Gravenhurst

Rick Maloney, Mayor-elect, Bracebridge

Ann MacDiarmid, Mayor, Seguin

Terry Glover, Mayor, Lake of Bays

Nancy Alcock, Mayor-elect, Huntsville

Peter Koetsier, Mayor, Georgian Bay

John Klinck, District of Muskoka Chair

Table 1. Comments on Bill 23

Acts	Proposals and Comments	Recommendations
<p>More Homes Built Faster Act 2022 Bill 23</p>	<p>The measures in Bill 23 appear to apply to all lands in Ontario regardless of suitability for housing. This opens the door to development that will do nothing to further the goals of this bill.</p> <p>Local context is important. The current housing crisis in Ontario, particularly in Muskoka, needs to be reframed from one of housing supply, to that of primarily housing affordability. In the District Municipality of Muskoka, there is an ample supply of existing draft approved housing units already in place, with more being added every year. Currently, within the District there are a total of 5,843 draft approved housing units, 5,424 of which are located in our serviced Urban Centres. Approximately half of these units have been draft approved for more than 10 years, with requests to extend draft approval being the most common Planning Act application processed by the District of Muskoka Planning Department. Servicing capacity is not at issue but speculation and increasing land value is.</p> <p>Bill 23 seeks to significantly constrain many provisions that make our communities safe, sustainable, interesting and livable. Whether it be natural environment features, hazard lands, green building standards, cultural heritage, parklands or the greenbelt – it signals an undesirable outcome – houses at any cost. <i>'Pay me now or pay me later'</i> will be the result. Whether it be disaster mitigation payouts, lawsuits, higher energy costs for owners or health care costs, we see the ramifications today of how buildings and communities were designed in the past. Retrofitting is more expensive to the public purse than getting it right at the beginning.</p>	<p>Bill 23 should focus on urban residential lands that have servicing and existing infrastructure. This is consistent with the definition “parcels of urban residential land” already being used for the as-of-right 3 residences per lot.</p> <p>Require developers to act on existing approvals within a reasonable time frame or lose their approval status.</p>

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<p>Planning Act Schedule 9 Bill 23 Sections 41(1.2) and 41(4.1.1)</p>	<p>Proposal: Site Plan Control only for lots of 10 or more units, and removal of landscaping from Site Plan Control</p> <p>Site plan control is not just an aesthetic or architectural exercise found in large urban centres. Throughout the District of Muskoka, site plan control is a vital planning tool used to ensure that shoreline development continues to occur in a sustainable manner to protect, maintain and enhance the health of the watershed through protecting our forests and vegetative buffers, while seeking to minimize potential damage to property from extreme weather events (e.g., flooding). Site plan control and control over landscaping (eg. trees, permeable surfaces) in Muskoka is vital to protect the natural environment on which Muskoka’s economy is based.</p> <p>Muskoka has experienced three 100-year storm events in the last decade that led to extensive flooding and damage to private and public lands and key infrastructure. As recognized by the Special Advisor on Flooding in their report which focused on several municipalities including Muskoka, the devastating impacts of flooding can be managed through <i>sound land use planning and mitigative activities</i>.</p> <p>The Special Advisor of Flooding’s report underscores the critical need for Muskoka’s municipalities to be able to implement site plan control and control landscaping to protect lands at risk of flooding - including waterfront lands that form the economic engine of the region.</p> <p>Muskoka’s Lake System Health Program conducts extensive recreational water quality monitoring and modeling to track the health of watersheds in Muskoka. Using watershed-wide data collected through the longstanding and supportive partnership with the Ministry of Environment, Conservation and Parks (MECP), the District of Muskoka ensures that water quality is both protected and enhanced across the</p>	<p>Remove section 41(1.2)</p> <p>If section 41(1.2) remains, amend it to specify that the changes are only applicable to “parcels of urban residential land”, a definition already proposed throughout the proposed <i>Planning Act</i> amendments to facilitate multi-residential development in serviced urban centres.</p> <p>Amend section 41(4.1.1) to clarify that landscaping remains a tool in Site Plan Control.</p>

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	<p>watershed and on a lake-specific basis by utilizing site plan control.</p> <p>Site plan control, including landscaping control, can ensure natural vegetative shoreline buffers, suitable leaching bed setbacks, appropriate location of buildings, driveways and pathways, and implementation of stormwater management and construction mitigation techniques.</p> <p>This Bill should not be making it easier for properties to be developed on sensitive water bodies without effective oversight and measures to protect water quality.</p>	
<p>Planning Act Schedule 9 Bill 23 Section 41(4)(7)</p>	<p>Proposal: Remove sustainability measures</p> <p>The proposal to remove section 41 (4) 2 d from the <i>Planning Act</i> appears to remove from site plan control the ability to include measures that will address sustainability (e.g. permeable materials, vegetation and buffers), yet sections 41 (7) 6, 8 and 9 allows for some measures to be part of the stormwater system.</p> <p>The treatment train approach to storm water management means that lot level landscaping is integrated with the area stormwater system and must not be eliminated from consideration at the site scale.</p>	<p>Clarify that sustainability measures related to permeable materials, vegetation, and water management be specifically included in the <i>Planning Act</i> sections 41 (4) and (7)</p>
<p>Development Charges Act Bill 23 Schedule 3</p>	<p>Proposal: Reduction in development charges</p> <p>The proposed overall reduction in maximum development charges applicable to all development may have the unintended consequence of stalling the building of critical infrastructure and shifting the financial burden of growth-related infrastructure needs onto existing municipal taxpayers.</p> <p><i>Development should pay for development</i> and the burden should not be placed on taxpayers who will not benefit from it.</p>	<p>Reconsider this proposal in light of the burden it will impose on existing taxpayers.</p> <p>Limit reduction in development charges to projects creating affordable and attainable housing.</p>

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	<p>The lower tier municipalities in Muskoka are small without the staff capacity of larger centres and the requirements to do more faster within this Bill mean more municipal resources are required, not fewer.</p>	
<p>Planning Act: Part VI Subdivision of Land Section 50 (20.1 – 4; 21.1-2)</p>	<p>Proposal: Removal of Notices and Public Meetings for Draft Plans of Subdivision</p> <p>It is crucial that residents and adjacent landowners in Muskoka learn about applications for plans of subdivision and have the ability to speak to them before council. In our experience, developers have come in with maximum asks in often inappropriate locations. Through public participation in the process, some applications have been made more respectful of the Muskoka environment and more reasonable in scale.</p>	<p>Continue public meetings for draft plans of subdivision.</p>
<p>Planning Act: Interpretation 1(1) “specified person”</p>	<p>Proposal: Remove third party appeal rights for all planning decisions</p> <p>The proposals change the <i>Planning Act</i> definition of the “specified person” who may appeal to only applicants, municipalities and other specified entities.</p> <p>The complete removal of the ability of third parties to appeal local planning decisions - such as official plans and amendments, zoning by-laws and amendments, and minor variances and consents - removes important checks and balances when council has not upheld its policies or those of the province. Taxpayers have the right to participate in what is happening in our community and play a valuable role in holding staff and elected officials to account. It is not always NIMBY.</p>	<p>Permit residents and their representatives to appeal planning decisions, other than those relating to the creation of affordable housing.</p>
<p>Ontario Heritage Act Bill 23 Schedule 6</p>	<p>Proposal: Designate all listed properties within two years - section 27(15)</p> <p>Requiring designation of all listed properties within two years will create a significant burden on smaller</p>	<p>Remove all proposed changes related to the Ontario Heritage Act.</p>

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	<p>municipalities to preserve cultural heritage. Our Muskoka municipalities rely on tourism, and cultural heritage is an important component of what attracts visitors to our area, stimulating our economy.</p> <p>Proposal: Require a property to meet two or more of the criteria prescribed in regulation</p> <p>The threshold requiring that a property meet two or more of the criteria prescribed in regulation should not apply to all lands in Ontario, but rather to appropriate locations where intensification of housing is proposed, and tourism will not be negatively impacted. In rural areas which depend on tourism, many of the significant cultural heritage assets are of modest architecture yet embody a great deal of associative value.</p> <p>Proposal: Removal of non-designated property from the register in four situations - Section 27(14)</p> <p>Requiring removal of non-designated property from the register in the following four situations should not be a requirement in Muskoka’s municipalities that rely on tourism to stimulate the economy. Muskoka’s cultural heritage is an important component of what attracts visitors to the area.</p> <ul style="list-style-type: none"> ● If council moves to designate a listed property but a designation bylaw is not passed or is repealed on appeal, the proposal requires the property to be removed from the municipal register. The Ministry of Citizenship and Culturalism is further proposing that this requirement would apply where the applicable circumstance outlined in the proposed amendment occurs on or after the legislative amendments, if passed, come into force. ● Non-designated properties currently included on a municipal register would have to be removed if council does not issue a notice of 	<p>Delete the requirement that a property meet two or more of the criteria prescribed in regulation to be designated.</p> <p>Remove the four conditions requiring removal of the listed (non-designated) properties from the register.</p>

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	<p>intention to designate (NOID) within two years of the amendments coming into force.</p> <ul style="list-style-type: none"> ● Non-designated properties included on the register after the proposed amendment comes into force would have to be removed if council does not issue a NOID within two years of the property being included. ● If removed from the register under any of the above three circumstances, the property cannot be relisted for a period of five years. 	