



Ontario Land Tribunal

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Participant Status Request Form and Participant Statement Form

This form is expected to be provided at least 10 days in advance of the first hearing event to the Tribunal and all parties. Please contact the assigned Tribunal Case Coordinator to verify the relevant contact information for the parties. A paper copy of this form must also be provided to the Tribunal Member at the first hearing event.

Important: This form includes your written request for participant status and your participant statement. The presiding Tribunal Member will consider your request and the participant statement provided below at the hearing event prior to determining whether to grant you participant status and accept your participant statement.

Request Date (yyyy/mm/dd): 2022/11/30

Case Information

Tribunal Case Number: OLT-22-001993

Date of Case Management Conference/Hearing (yyyy/mm/dd): 2022/12/12

Contact Information

Last Name: Eplett

First Name: Susan

Company Name: Muskoka Lakes Association

Telephone Number: 705 765 5723

Email Address: info@mla.on.ca

Representative Contact Information (if applicable)

Last Name: Eplett

First Name: Susan

Company Name: Muskoka Lakes Association

Telephone Number: 416 843 3910

Email Address: susaneplett@rogers.com



I certify that I have written authorization to act as a representative and I understand that I may be asked to produce this authorization at any time.

Status Request Details and Participant Statement

A person who wishes to participate in a proceeding as a participant (and not a party) may only make a submission to the Tribunal in writing in accordance with [section 17 of the Ontario Land Tribunal Act](#) and Rule 7.7 of the OLT's [Rules of Practice and Procedure](#).

In the space below, describe your interest in the case, your position on the issues and an explanation of your reasons in support of your position. You may also provide documentation or attachments to support your request. The information you provide will be your participant statement.

Participant Statement:

The Muskoka Lakes Association (MLA) provided written comments to the Township of Muskoka Lakes prior to the August 12, 2021 Public Hearing on this application (Attachment 1). The MLA also provided a second comment letter (Attachment 2) and gave a deputation to Planning Committee when the matter came back for consideration on November 11, 2021 (Attachment 3). The MLA does not appear to have been directly notified of the Case Management Conference scheduled for December 12, 2022.

The MLA is a volunteer membership-based organization representing more than 2250 families 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

The MLA is requesting participant status as it believes that this application sets a dangerous precedent for other potential developments that are not in keeping with the intent of Township Zoning Bylaw and Official Plan.

The MLA objects to approval of this proposal for these reasons:

The November 2021 submission addressed none of the concerns of the Township of the community

Our letter dated August 9, 2021 (Attachment 1) regarding the original application outlined a number of concerns with this proposal, including the extent of the relief sought from setbacks and lack of buffers, the extent of tree removal, the lack of regard for amenities and parking, and the reliance on lot coverage in isolation of all other requirements as a justification for approval.

Planning Committee made clear directions at its August 12th meeting for the applicant to reduce the footprint and eliminate the second storey, improve the setbacks, and provide floor plans to establish use since it appeared to have potential to be a multi-unit dwelling or townhouse complex.

The revised submission provided at the November 11, 2021 Planning Committee meeting addressed none of the MLA's concerns, none of the community's concerns, and none of Planning Committee's directions. The applicant made only minor revisions to the proposal, with the footprint, height, setbacks and mass of buildings remaining the same. Since that submission,

Minutes of Settlement have been authorized for execution by the Township; however, none of those details have been made public.

The proposed expansion of the dwelling is not within the intention of the Zoning By-law

The MLA has consulted with professional planner, Mr. Stephen Fahner of Northern Vision Planning Ltd., who noted that the proposed dwelling will be a very wide structure (approximately 180 to 200 feet, though there were no dimensions on the site plans), set back only 35 feet from the south-west shoreline. Mr. Fahner explained that the Township's motivation for increasing the minimum setbacks over time, from 35' to 50', and again to 66', was because the original setback of 35 feet was deemed inadequate for the preservation of shoreline buffer. This is also the reason for restricting expansions of existing buildings within the setback area.

Only one corner of the applicant's existing 706 sq ft dwelling is within the 35 foot setback, yet the applicant is parlaying this into the setback for a dwelling that is 500 to 600% wider and 775% larger coverage. The use of the existing setback for an expansion of this amount, creating a large (\pm 5,482 sq ft gfa) and wide dwelling only 35 feet from the lake, is not within the intent of the Zoning Bylaw, according to Mr. Fahner. Having this wide structure only 35 feet from the shoreline will create a situation that the setback bylaws are intended to prevent: namely, the built form dominating the natural landscape, and insufficient vegetative buffer to protect the lake's health.

Although an Environmental Impact Study was completed and submitted, no analysis of the shoreline buffer was provided. For a dwelling of this size in such close proximity to the water, this should be completed for the Tribunal's consideration. For example, a setback of only 35 feet likely gives rise to an increased risk of silt and nutrient runoff into the lake during construction and afterward.

The proposal does not conform to the Township's Official Plan

The goals and objectives of the Township Official Plan include that the character of the waterfront is to be protected, that development is suited to its site and development is not to dominate the shoreline. Development is intended to be compatible with the physical and environmental aspects of the waterfront, not to dominate it. A dwelling of 200 ft width less than 35 feet from the waterfront is not in keeping with these goals and objectives.

For a typical lot, non-complying structures are permitted a limited expansion within the required front yard setback.

The Comprehensive Zoning Bylaw requires a minimum 66 ft. setback from the high water mark regardless of which lot line is the front or the rear. This is the primary provision of the bylaw – whether the setback is from the front or the rear should not matter. A typical lot with one waterfront would be permitted a 20% increase in ground floor area and height. This proposal goes well beyond that intent.

The potential for lot severance has not been assessed

Approval of the exemptions related to cumulative width of dock and cumulative boathouse width are based on the assumption that the lot can be severed. There is some question that proper setbacks could be provided while accommodating shoreline vegetation and septic service.

The MLA has long advocated for applicants to respect the setbacks by designing for the environment, not making the environment fit the design. We urge the Tribunal to put this principle into practice.

Attachment 1 – Letter dated August 9, 2021 to Township of Muskoka Lakes

Attachment 2 – Letter dated November 10, 2021 to Township of Muskoka Lakes

Attachment 3 – Delegation by Susan Eplett to Township Planning Committee November 11,2021

Notes:

1. Please refer to Rule 7.7 of the OLT's [Rules of Practice and Procedure](#) and [section 17 of the Ontario Land Tribunal Act](#) regarding the requirements for preparing a participant statement.
2. The OLT issues all correspondence to parties and participants electronically.
3. Personal information or documentation requested on this form is collected under the authority of the [Ontario Land Tribunal Act](#) and the legislation under which the proceeding is commenced.
4. All information collected is included in the OLT case file and the public record in this proceeding.
5. In accordance with the [Freedom of Information and Protection of Privacy Act](#) and [section 9 of the Statutory Powers Procedure Act](#), all information collected is available to the public subject to limited exceptions.