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November 27, 2020

David Pink
Director of Development Services and Environmental Sustainability
Township of Muskoka Lakes
1 Bailey Street,
Port Carling, ON P0B 1J0

Dear Director Pink,

**Re: Mainland Parking and Docking Facilities for new Water Access Properties
Official Plan Policy 5.24(d)**

The Muskoka Lakes Association (MLA) has been provided with a copy of the White Paper submitted to you on November 16th 2020 by Mr. Christopher Morgan, and shares Mr. Morgan's concern with the Township's practice of accepting marina letters as proof that a water access only or island property has satisfied the requirements in Official Plan Policy 5.24(d) that long-term mainland parking and docking facilities be secured.

There are important policy reasons for ensuring that water access properties have adequate access to mainland parking and docking. This has been recognized during the Township's Official Plan review and, in the absence of a marina model securing more long term mainland parking and docking facilities (such as the Honey Harbour Boat Club), we reiterate our support of the requirement for deeded access for newly created water access lots set out in final Policy Direction #18 (endorsed by Council on August 12, 2020, as modified on October 28 and 30, 2020).

The MLA agrees that marina letters are insufficient proof of mainland access for the reasons set out in the White Paper, and also agrees that the Township should not be delegating to marinas the task of determining whether mainland access meets the OP requirement of being 'secured' and 'long-term'. In the event that the new Official Plan requires deeded access, the practice of accepting marina letters will end. Until then, we urge you to adopt the recommendations outlined in the White Paper in order to ensure that long term mainland access for new water access properties has, in fact, been secured: in particular, the requirement for the applicant to produce, as part of its application to sever property, the documents demonstrating compliance with Policy 5.24(d) that are listed in sections 1 to 4, inclusive, on pages 4 and 5 of the White Paper.

In the event that Township staff is not comfortable reviewing leases or commitments between marinas and applicants to ensure they include the terms suggested in items 2, 3 and 4 of the White Paper, staff may want to consider requiring applicants to provide a legal opinion that the documents contain the required terms. Although this would involve additional cost to applicants, it is more appropriate for applicants rather than the Township to bear the cost of the expert advice needed to assess the documents, just as applicants bear the cost of other expert reports required by the Township as part of applications.

Thank you for this opportunity to provide these comments.

Sincerely,



Susan Eplett
Chair, Government and Land Use Committee

cc: Bryce Sharpe, Manager of Planning
Deborah Martin-Downs, President, MLA
Katie Edwards, General Manager, MLA
Christopher Morgan