

March 24, 2020

VIA email to john.klinck@muskoka.on.ca

Dear Chair Klinck,

Re: Legacy Cottages LPAT Hearing

We are sure that you are dealing with many urgent issues arising from the COVID-19 emergency, which must be even more challenging to deal with from self-isolation. We hope you are well.

As you are aware, the Friends of Muskoka supported by the Muskoka Lakes Association have been challenging the premise for declaring several projects in the Township of Muskoka Lakes as resorts. We have actively participated in the Villas, Touchstone and Legacy LPAT hearings. Our objection is related to the definition of resort and ensuring that the District Official Plan provisions are upheld.

At the Legacy hearing on Thursday, February 27 we were amazed and dismayed to hear District lawyer, Mr. Clow, state that the District was now in agreement with the Conditions of Draft Approval submitted by Legacy the night before the hearing commenced. This is a sudden and stunning reversal of our understanding of the District policy of restricted residential development on property zoned resort/commercial.

In the draft Conditions is the provision that the owner of the house may occupy it for a full 11 weeks in the summer, making it available to the travelling public for only 2 of these weeks. Given that 'summer' is defined as from the middle of June to the middle of September, and since there is virtually no travelling public after Labour Day, the practical effect of this is 100% residency all year long.

The District's planners had previously testified at both the LPAT hearing for Villas and Touchstone and in written materials for the Legacy hearing that 42 weeks of owner occupation of resort commercial properties, which these conditions would allow, is tantamount to residential usage. And yet they agreed to these conditions so are, in effect, agreeing to residential usage.

The Conditions that Legacy's lawyers submitted to LPAT, and that the District agreed to, are almost identical to the ones awarded to Villas/MIST in the LPAT hearing for those properties. The LPAT Chair for Legacy stated publicly that he was not bound by that decision. The two cases are different because they deal with different policies in the Township's Official Plan. In addition, at the time of the Legacy hearing, the Villas/MIST decision was under review so was not final.

The Legacy development is different than Villas and MIST in many respects, including the large number (43) of stand-alone 3, 4 and 5 bedroom buildings that have been marketed and sold as cottages, without resort amenities or agreements to use nearby resort amenities. The Legacy proposal includes 9 docks on 470 feet of shoreline with a capacity of somewhere between 38 and 53 powerboats – roughly equivalent to the number of ‘cottages’ being built. By comparison, both the Marriott and the Muskokan have enough dock spaces for about 20% of their resort units since resort guests do not tend to need docks given they do not generally own boats. The Legacy proposition is not a resort – it is seasonal residential, owner occupied cottages. The Condominium Agreement should include conditions that ensure it will be operated as a resort.

The District’s Official Plan policies are broadly worded and intended to be read with flexibility to ensure each unique development has conditions that will ensure it achieves the Official Plan’s goals -- in the case of a commercial resort, these goals include operating for profit, providing accommodation for the travelling and vacationing public during the key tourism months of July and August, and providing employment. Simply applying the Conditions for Villas/MIST is not enough to ensure that these goals will be met at Legacy. In fact, the Conditions proposed by Legacy and agreed to by the District effectively allow for 100% owner occupation during July and August, which is inconsistent with conditions agreed by the District elsewhere in Minett that limit owners of the Marriott property to 30 days usage in July and August.

We have reviewed agendas from the District and verified with members of both the District Community and Planning Services Committee and the District Council that this matter was not brought before either body to endorse this position for the LPAT. It is our understanding that District’s delegation by-laws require that approvals for condominium agreements be given by District’s Community and Planning Services Committee, not delegated to Staff. We are confused as to how Staff had the authority to agree to Legacy’s draft Conditions.

Over the last two years the Friends of Muskoka alone have spent thousands of volunteer hours and, together with the Muskoka Lakes Association, more than three-quarters of a million dollars defending the current District and Township policies against residency on resort properties in Muskoka. Our organizations have worked closely together and have a consolidated membership of well over 5000 families. You would be well aware of the astounding participation at some of the special meetings and Council meetings and the vigorous support demonstrated by the boating rally in Minett Bay in August 2018. There is abundant evidence that Muskokans care deeply about this issue and vehemently oppose this kind of development, which threatens our natural environment and ultimately the tourist industry that depends upon it.

We need to know how this happened. Who made this decision? Were they authorized to make this decision? How could this happen without any political approval, especially when the public has been adamant that an 8 - 10 week rental pool is insufficient to ensure resorts stay commercial and made this an issue in the 2018 municipal election?

We would appreciate an opportunity to speak with you by phone (since meeting in person is not likely feasible for some time) to hear an explanation from staff and Council of how this decision was made.

Sincerely,

Friends of Muskoka



Laurie Thomson, President

Muskoka Lakes Association



Lawton Osler, President

cc: Michael Duben - Chief Administrative Officer
Samantha Hastings - Commissioner, Community and Planning Services