



SAVE MUSKOKA

The Latest News re 'The Villas of Lake Muskoka', 'Touchstone' and 'Legacy Cottages'

'The Villas of Lake Muskoka' (a.k.a Villas) –On November 27th, an appeal was registered with the OMB by the law firm of Loopstra Nixon representing the owner of the Villas. The District of Muskoka had granted draft approval of the Villas Condominium Description on June 22nd, 2017. The draft approval contained a total of 17 conditions which needed to be fulfilled prior to the issuance of final approval. The appeal is lodged with respect to 5 of those 17 conditions; all relate to the requirement of entering into, and registering on title, a Condominium Agreement with the Township of Muskoka Lakes (TML). The basis of the Villa's appeal is that a Condominium Agreement should not include conditions of use. Specifically, TML's conditions of Condominium Agreement include definitions of land use and reference to the property as a commercial use. Loopstra Nixon has stated they are "hopeful that this appeal can be resolved through mediation with the District and Township." A 2 day hearing has been requested. No date has been set. ***The issue of use and the 10 weeks rental requirement, referred to in TML's draft Condominium Agreement, will now be argued at the OMB. Since it was the District that imposed the conditions, it will be the District who must defend itself at the OMB. TML has requested to be a Party at the hearing. TML has recently stated that they will be providing a staff report on the Villas at the January 16th Committee of the Whole meeting.***

'Touchstone Resort' /Mist Opportunities– Phase 1 was built and sold on a 'fractional' ownership model. Phase 2 consisting of 28 Penthouses, Villas and Suites are currently being marketed for sale on a 'whole ownership' model. Similar to the Villas of Lake Muskoka, the District granted draft plan of condominium approval for Phase 2 of the Touchstone Resort on August 1st, 2017. The draft approval contained conditions, similar to the Villas of Lake Muskoka, including that the owner enters into an agreement with the Township of Muskoka Lakes referencing the requirement that the units be put into a rental agreement for a minimum of 8 weeks. This draft plan of condominium approval has been appealed to the OMB by a concerned citizen. The law firm of Loopstra Nixon is also representing the owners of Touchstone Resort, as well as the Villas. Loopstra Nixon has brought a motion to the OMB to dismiss the appeal on Touchstone, referencing the requirement that the units be put into a rental agreement. That motion will be heard on Thursday, January 4th, 2018 at 11 a.m. at the Township Council Chamber in Port Carling. ***The MLA is closely involved with both appeals and will keep the membership informed as decisions are made.***

'Legacy Cottages'/'Lakeside Lodge' –Legacy Cottages was given site plan approval by TML under commercial resort zoning. These 43 units are currently being marketed for sale on a 'whole ownership' model. The District of Muskoka is now reviewing an application from Legacy for draft plan approval of these units. A community group engaged in the opposition of this development has put together a

video showing the current state of this development including the clear cutting of the site and initial construction of several units. The video can be found [here](#):

The MLA is working with various community groups to positively affect the outcome of future resort development in Muskoka.

In contrast to the 'Save Muskoka' video re Legacy Cottages, the MLA provides another video for your viewing – one produced by FOCA (Federation of Cottage Associations). This video highlights the importance of lake associations and community associations that work towards the preservation of the waterfront environment. See here for the [video](#):

The MLA continues to work hard on your behalf to help preserve Muskoka's unique and valued waterfront. In that spirit, the MLA thanks all those who have generously contributed to our fundraising campaign which fuels our efforts, and gives us the financial resources, to fight these high density waterfront developments.

2018 ELECTION NEWS YOU SHOULD KNOW

The Municipal Elections are October 27th, 2018

Election Rule Changes - Bill 68, Modernizing Ontario's Municipal Legislation Act, 2017

The Nomination Period begins May 1st and ends July 27th, 2018. As well the start date for the new 2018 Council term will begin on December 1st, 2018 but in the next Municipal Election of 2022, the council term will begin on November 15th, 2022; in order to shorten the 'lame duck' period for the next Municipal Election. The limits for contributions to a single candidate, or third party advertiser, have been raised from \$750 to \$1,200. Another important amendment is the self-funding limit for municipal council candidates based on the number of electors voting for the office, to a maximum of \$25,000 per candidate. The formula for calculating the limit is \$7,500 + \$0.20 per elector for head of council, and \$5,000 + \$0.20 per elector for other council offices.

The MLA will be continuing to bring you information regarding the municipal election throughout 2018.

DISTRICT OF MUSKOKA

District Council Votes in Favour of Issuing Occupancy Permits re Bala Falls –Swift River Energy Ltd. (SREL) has an agreement in place with the District of Muskoka which outlines specific requirements related to the construction of the hydro plant at Bala Falls. As the project proceeded, SREL changed their construction design plans without first submitting their amended plans to District for approval. For two hours at the December 18th District Council meeting, council discussed entering into a License of Occupation with respect to SREL's revised plans.

Legal counsel for 'Save the Bala Falls' delegated requesting that District council refer the issue back to the District's Public Works committee to allow for a "more democratic process". A motion to refer this back to committee was defeated on a close 13 to 9 recorded vote. The original motion to allow District staff to proceed with issuing a License of Occupation to SREL carried on a recorded vote of 17 to 5.

Three of the four TML District Councillors (Councillors Ruth Nishikawa, Allen Edwards and Phil Harding) voted in favour of referring this issue back to committee for more discussion and public participation. TML Mayor Don Furniss voted against the motion stating he was “appalled” and “outraged that this (item) was on the agenda.”

The full meeting can be heard via the following link to the webcast of the meeting [here](#):

***Save Bala Falls legal counsel presentation can be heard from 1:11:06 to 1:23:44 (left side counter).
TML Mayor Furniss’s remarks can be heard from 1:42:33 to 1:49:52.***

Local new story can be found [here](#):

The MLA encourages District Council to ensure the public is allowed full input into their decision-making processes.

TOWN OF BRACEBRIDGE

Bracebridge Insurance Premiums Increase by 12.2% - According to a local news story: “The cost of insurance for the Town of Bracebridge is taking a whopping 12.2-per-cent leap in cost with premiums jumping \$35,233 to \$323,860.” Council accepted the higher costs for 2018/2019 at their December 13th meeting. Staff report gives the following reasons for the increase:

- General liability costs due to an increase in population in the 2016 census
- Increase in costs of claim settlements
- General liability costs are increasing 19.8%
- Increased costs to property coverage with the addition of the new Fire Hall and property on Entrance Drive
- General increase in the number of liability and class action cases

The full news story can be found [here](#):

The MLA acknowledges that this is not good news for any Ontario municipality’s 2018 Budget. Local area councils are already pressured to juggle increased infrastructure costs, higher OPP costs and increased downloading of provincial costs.

TOWN OF GRAVENHURST

The Pilot Bus Transit Project (‘The Loop’) Concludes December 21st – After a 6-month trial period, Gravenhurst council has agreed to discontinue the local bus service called ‘The Loop’. However, council has requested staff to continue investigating other in-town transportation opportunities. Scott Lucas, Director of Development Services, said “While we received valuable feedback from riders in the community, taking on the sole cost of continuing ‘The Loop’ at this time could not be substantiated based largely on ridership.” Further information can be found [here](#):

The MLA thanks the Town for undertaking this important project to determine if ridership could support the cost of providing this service. Public transportation in smaller urban areas is a challenge.

Mayor Paisley Donaldson Reflects on 2017 and Shares Holiday Greetings – On December 15th, Hunters Bay Radio host Jason Harnett spoke with Mayor Donaldson about various 2017 Gravenhurst events and issues. Topics discussed included the Muskoka Regional Centre, the 2018 Capital Budget, District of Muskoka’s proposal to download some District roads to the town and Gravenhurst’s new Sign By-law. The full interview can be found [here](#):

It’s a fun and informative interview and the MLA hopes you’ll take the time to listen to it. Also note that on Saturday, December 23rd Jason will be interviewing Parry Sound/Muskoka MP Tony Clement.

SEGUIN TOWNSHIP

Councillor Jack Hepworth’s December 11th Community/Council Report –A real highlight of the councillor’s report is the good news from Seguin’s Chief Financial Officer and Treasurer regarding Revenues, where he states: “We are currently forecasting a surplus of just under \$178,000, up from just over \$98,000, in October. Once again, the main cause of the change is due to revenues, specifically Building Permit Fees and Scrap Metal Sales. At the end of October, the Building Department was projecting that permit revenues would miss the annual budget by almost \$17,000. Since then, even more unexpected large projects have come in, and fees have already surpassed the 2017 budget of \$310,000. The Public Works department was also able to obtain a good price for the large amount of scrap metal stockpiled at the landfill site in Orrville, bringing in an extra \$26,000.” And regarding Capital expenditures: “Currently, all (capital) projects are on budget, including the additional \$42,000 of Contingency funding that was previously allocated to the Rosseau Memorial Hall Accessibility Project.”

For all the details, Councillor Hepworth’s full report can be found [here](#): ***The MLA thanks Councillor Hepworth for providing such detailed and thorough monthly council reports all through 2017 and wishes him, and his family, a very “Happy Holiday Season”!***

TOWNSHIP OF MUSKOKA LAKES (TML)

Update on ‘The Villas of Lake Muskoka’ Condominium Approval - TML Council did not discuss the ‘Villas of Lake Muskoka’ at their December Committee of the Whole meeting. Instead, a staff report on the Villas has been promised for the next Committee of the Whole meeting on Tuesday, January 16th. The Villas’ developer has appealed the District’s decision on their condominium agreement to the OMB (Ontario Municipal Board). TML Council has voted to request Party status at the OMB hearing. ***The MLA will be attending the January 16th meeting and will keep you apprised of events surrounding this development.***

TML Approves Staff Report on District’s new Official Plan –On December 14th, TML councillors agreed to send to the District of Muskoka the Township’s comments on the District’s new Official Plan, as outlined in Director of Planning David Pink’s staff report. Prior to the decision, some councillors reiterated their thoughts regarding permitting resorts to have up to 50% of their units as residential. Mayor Don Furniss said he didn’t see any difference between an owner-operated cottage and a residential resort. He felt that resort residential use wouldn’t have any impact on the neighbours. Councillor Gault McTaggart was sympathetic to the resort owners but was not in support of the current 50/50 split proposal. Councillor Terry Ledger felt there needed to be a

better balance of resort commercial and residential, but that 8 weeks was insufficient to allow a resort to be viable. Councillor Ruth Nishikawa stated she too was not in favour of the 50/50 split. Councillor Allen Edwards made it clear he was not in favour of any residential on resort properties. He does not support high density development on the waterfront at all. Councillor Phil Harding again made it clear he was not at all supportive of the increased density for residential units on waterfront resorts. The staff Report can be found [here](#):

The MLA continues to advocate for 100% commercial use of resort units.

Bill 68, Modernizing Ontario’s Municipal Legislation Act, 2017 – At the December 14th meeting, township Clerk, Cheryl Mortimer presented councillors with a report outlining numerous changes recently legislated by the province. The full report can be found [here](#):

The MLA notes that one of the key themes of the new legislation is to “empower municipalities to be more open, accountable and transparent” by allowing councillors to participate in meetings electronically. We also note that when a councillor discloses a pecuniary interest, that councillor must file a written statement of their interest at the meeting, or as soon as possible after the meeting. By that same theme of transparency, the MLA hopes that TML will consider webcasting capabilities in their 2018 Budget.

Reminder - Revised TML Meeting Schedule for January 2018 - Due to the office closure at Christmas and upcoming January budget meetings, staff recommended that the regularly scheduled January council and committee meeting dates be revised. Council voted to approve the following revised meeting schedule:

Friday, January 12th, 2018 – Council Meeting at 9 a.m. (no change)

Tuesday, January 16th, 2018 – Committee of the Whole Meeting at 9 a.m. (revised date)

Wednesday, January 17th, 2018 – Committee of Adjustment at 9 a.m. (revised date)

Reminder - TML Budget Meeting Schedule –

Wednesday, January 24th, 2018 – Special Committee of the Whole meeting at 9 a.m. to introduce the draft 2018 Budget

Thursday, February 1st, 2018 – Special Council meeting at 7 p.m. to receive public input on the 2018 Budget (Original draft budget with tracked changes will be available)

Thursday, February 8th, 2018 – Special Committee of the Whole meeting at 9 a.m. for Budget deliberations

Friday, February 16th, 2018 – Regular Council meeting at 9 a.m. for adoption of the 2018 Budget

The MLA reported on this in November NewsBites, but felt it important to remind everyone of the upcoming budget presentations, public meeting and council deliberations. Again, the MLA will be attending the budget meetings and keeping you apprised of the increase you can expect on your 2018 tax bill.

The MLA wishes all of our members a very Happy and Healthy 2018!