



June 2, 2020

**SENT BY EMAIL**

Mayor Glover and Members of Council  
Township of Lake of Bays  
1012 Dwight Beach Road  
Dwight, ON POA 1H0

**Attention: Carrie Sykes, Director of Corporate Services/Clerk** ([csykes@lakeofbays.ca](mailto:csykes@lakeofbays.ca))

Mayor Terziano and Members of Council  
Town of Huntsville  
37 Main Street East  
Huntsville, ON P1H 1A1

**Attention: Tanja Calleja, Municipal Clerk** ([tanja.calleja@huntsville.ca](mailto:tanja.calleja@huntsville.ca))

District Chair Klinck and Members of District Council  
70 Pine Street  
Bracebridge, ON P1L 1N3

**Attention: Amy Back, District Clerk** ([amy.back@muskoka.on.ca](mailto:amy.back@muskoka.on.ca))

**Re: Development of Langmaid's Island**

Dear District Chair, Mayors and Members of Council:

On behalf of the members of both the Lake of Bays Association (LOBA) and the Lake of Bays Heritage Foundation (LBHF), we are writing to you today to express our opposition to the development of Langmaid's Island, to ask that you join us in that opposition, and to ask for your support of our position that, if there is to be mediation, it be led by the Ontario Government's Local Planning Appeal Tribunal (LPAT).

**LOBA AND LBHF ARE COMMITTED**

LOBA is a non-share, not-for-profit corporation, which represents residents living on or around Lake of Bays. The purpose of the association is to promote, sustain and enhance a clean and healthy natural environment, a well serviced community, and a safe and peaceful Lake of Bays. LOBA worked closely

with the Township of Lake of Bays, in the development of the Township's Official Plan and Development Permit By-law system.

LBHF is a non-share corporation and registered charity. Its mandate is to protect and preserve the natural and man-made heritage of Lake of Bays. LBHF owns and stewards property around Lake of Bays, for conservation purposes.

LOBA and LBHF have been made parties to the appeals<sup>1</sup> by Langmaid's Island Corporation ("LIC") of the five development applications it has made to the Township, the Town, and the District. LOBA and LBHF have retained a planning law lawyer, a land use planner, and an environmental planner/ecologist, and we are committed to full participation in the appeals.

This joint effort between LOBA and LBHF is unprecedented in terms of the commitment of resources, the level of representation of resident stakeholders and the threat to the cultural and natural landscape of Lake of Bays.

### **WE HAVE A STRONG CASE**

Our professional planners have advised that the applications do not have regard to matters of provincial interest, as required by section 2 of the *Planning Act*; are not consistent with the *Provincial Policy Statement* (the PPS); fail to conform to many important policies in the District of Muskoka Official Plan, the Township of Lake of Bays Official Plan and the Huntsville Official Plan; cannot be developed without permanent negative impact to the visual landscape and threats to the natural environment; and do not represent "good planning".

These policies and principles establish three fundamental facts:

#### **1. Langmaid's Island is special**

Langmaid's Island has been designated as a "Heritage Area" of regional significance by the District and qualifies as a Provincial "Cultural Heritage Landscape", because of its diverse and sensitive habitats, representative landscape, shoreline and biotic communities, and scenic and aesthetic values and vistas.

Langmaid's Island is identified as a "Heritage Area" in the Township's Official Plan. The Official Plan states that Heritage Area features and values "will be preserved and protected from incompatible uses".

The island is unique in Muskoka and must be preserved and protected.

#### **2. Langmaid's Island must be preserved**

To ensure the retention of Langmaid's Island as a natural and mostly undisturbed area, and to preserve its important environmental, heritage and scenic values, the creation of new lots or substantial development on Langmaid's Island, such as that proposed by LIC, must not be allowed. The conservation of the natural environment is to take precedence over development.

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<sup>1</sup> LOB Official Plan Amendment application, LOB Development Permit By-law Amendment application, two Town of Huntsville Zoning By-law Amendment applications, Plan of Subdivision (District)

3. **The applicant's studies are deficient and must not be relied upon**

LIC's Environmental Impact Study, Planning Justification Report, and supporting studies and reports, do not properly address the values for which Langmaid's Island was determined to be important and in need of protection – including diversity, quality and scenic values. They should not be relied upon.

Planning staff of both the Township of Lake of Bays and the Town of Huntsville have agreed that the proposal is not in conformity with their respective Official Plans, and your staff recommend that the applications be denied.

**MEDIATION SHOULD BE A PUBLIC PROCESS**

While reluctant to engage in a "negotiation" over the future of Langmaid's Island, LOBA and LBHF initially agreed to participate in mediation, assuming it was to be a typical, Tribunal-led mediation. As it turned out, to the best of our knowledge, LIC did not approach the Tribunal to canvass its willingness to conduct the mediation. Instead, LIC alone has initiated and is insisting upon a retainer with a firm of private mediators. LIC is demanding that fully one-third of the cost of the mediation is to be paid for by LOBA/LBHF. It was made abundantly clear that they were happy to proceed, without us. In the circumstances, we have decided not to participate. There are two related reasons for this decision:

1. A mediation overseen by LPAT incorporates and can be relied upon to ensure an objective and balanced exercise, with a focus on good planning and the public interest. A mediation conducted under the auspices of the LPAT provides comfort that the mediator is familiar with the public policy aspects of municipally led planning and the importance of the protection of the public interest. Moreover, when the mediator is a member of LPAT, his or her opinion on the strengths and weaknesses of each side are more likely to be accepted by the parties, contributing to a feeling of satisfaction with the result.
2. Mediation works best with two or more parties of a similar nature, with the same or similar objectives, which is not the case here. It has less value (and chance of a satisfactory result) when the parties are a mix of residents, public bodies, and a private-sector developer. That said, this imbalance is to a great degree alleviated if the mediator is a public body.

LOBA and LBHF respectfully request that the District, the Township, and the Town support our request to LPAT for a public mediation.

In response to any pleas you may receive about the developer's need to expedite the public planning process, we submit that the developer bought this property with eyes-wide-open and knowing full well that it would have to satisfy the LPAT of the planning merits of its case. Moreover, the long-delay before a hearing (February 2021) is a function of the developer's request for a 25 or 30-day hearing. LIC should not now be allowed to use this delay – which is systemic and not in any way related to the pandemic – to force the community and local governments into a compromised process.

**OUR ASK OF COUNCIL**

We appreciate that, as administrators of the public purse, you may have concerns about the significant costs associated with a full and proper hearing of the merits of the applications. Nevertheless, in our respectful view, it is often necessary to deploy public dollars in the cause of the protection of the public

realm. We see this as a generational, legacy issue for Lake of Bays, with unprecedented impacts. This is a prudent and proper use of taxpayer's money.

LOBA and LBHF together represent 1500 full-time and seasonal residents. We are extremely grateful for your support, to-date. There is a long way to go, however, and we would like to know that the Township, Town and District are firmly committed to a fair, public process and respect for the established planning policies governing Langmaid's Island. To that end, we respectfully request your support for our request to the LPAT for a public mediation process. We are relying on you. A letter to the LPAT from our counsel, is attached.

Finally, we encourage Council to take a formal stand on the proposed development. As elected officials from the three municipal governments, we believe it is your obligation to take a position on the applications. A pre-emptive appeal by the developer should not compromise your ability and obligation to clearly state your opposition to the development, in its current form. You have received considered professional recommendations from Ms. Markham and Ms. Maxwell, and we encourage you to support and adopt those recommendations.

Thank you for your attention to these submissions.

Yours very truly,

**Lake of Bays Association**

Per:

*Mary Ann Peden*

Mary Ann Peden  
President

**Lake of Bays Heritage Foundation**

Per:

*Judith Mills*

Judith Mills  
President

copy: Harold Elston, Solicitor for LOBA and LBHF (counsel@haroldelston.com)  
John Ewart, Solicitor for Lake of Bays and Huntsville (jewart@ewartodwyer.com)  
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Melissa Markham, Director of Planning, Lake of Bays (mmarkham@lakeofbays.ca)  
Kirstin Maxwell, Manager of Planning, Town of Huntsville (kirstin.maxwell@huntsville.ca)  
Summer Valentine, Director of Planning, District of Muskoka  
(summer.valentine@muskoka.on.ca)

encl: Letter to LPAT requesting mediation, from Harold Elston