

From: [Gord Nielsen](#)
To: [Oliver Reprich](#)
Subject: FW: Vacant Waterfront Lot on Ril Lake
Date: February 24, 2021 1:49:41 PM

Hi Oliver

As you will see from the correspondence below, the Township of Lake of Bays has a Development Permit By-law that requires a rezoning of existing lots on Ril Lake, which is a consequence of the District of Muskoka having previously classified this lake as being "overthreshold" from a water quality perspective, meaning it was deemed sensitive to any additional nutrient loads that could result from further development. The District previously required a water quality study in support of any proposed development on this lake.

Importantly, the District has recently updated its Official Plan, including aspects of that plan relating to water quality modelling. Under the new District OP, Ril Lake is no longer designated as being particularly sensitive from a water quality perspective, and the new District policies only require the same standard measures to protect water quality as it does on other lakes, without the need for a supporting water quality study.

While the Township Official Plan, Zoning By-law and Development Permit By-law will eventually be brought into conformity with the updated policy direction of the District OP, that has not happened yet and the Township has provided no indication on when it might. A purchaser of a lot on Ril Lake could wait until those changes are implemented, presumably within the next few years, before making an application to develop their property. Alternatively, they could apply now, but will be required to go through a rezoning process. The Township has suggested that a water quality study would likely no longer be required to satisfy its requirements however can't waive the rezoning requirement until its plans have been updated.

If an owner of a property on Ril Lake were to make an application to develop a lot today, and assuming they had a site plan that pays attention to such matters as good shoreline buffers, standard water quality mitigation measures, and which otherwise meets the requirements of the Townships OP and Zoning By-law, the expectation would be that staff would be very supportive of the required rezoning, and would communicate same to Council. However, purchasers of a lot should be aware that Council would then need to approve the rezoning and further, that members of the public have the ability to appeal that decision to the Local Planning Appeals Tribunal. If the rezoning were turned down by Council, the lot owner would also be entitled to appeal the decision. The rezoning will likely take several months and an appeal could add many additional months and considerable costs (although the option would then exist for the owner to simply withdraw the application and wait until the Township brings its plans into conformity with the District's).

I would advise that anyone planning to develop a lot on Ril Lake spend some time in making sure their plans are sensitive to such matters as shoreline setbacks, shoreline buffers and tree removals. Further, they should speak to neighboring property owners and the lake association about their plans, and hopefully obtain some buy-in (requesting supportive letters to include with their application to the municipality would be a good idea). These measures should help to ensure a favourable response from Council and will reduce the potential for any appeals from neighbors.

I hope this summary is helpful.

Regards,
Gord Nielsen, M.Sc.
Ecologist
President
Michalski Nielsen Associates Limited
16 Robert Boyer Lane
Bracebridge, ON P1L 1R9
Office 705-645-1413 Cell 705-644-9590
www.mnal.ca

-----Original Message-----

From: Emily Thaler <ethaler@LakeofBays.on.ca>

Sent: February 24, 2021 12:38 PM

To: Gord Nielsen <gord@mna.ca>; April Best-Sararas <abest-sararas@lakeofbays.on.ca>; Melissa Markham <mmarkham@lakeofbays.on.ca>; 'Popovich, Nick' <Nick.Popovich@muskoka.on.ca>; Laura Vaisanen <LVaisanen@lakeofbays.on.ca>

Cc: Oliver Reprich <oliver@bracebridgerealty.ca>

Subject: RE: Vacant Waterfront Lot on Ril Lake

Good afternoon Gord,

I was able to speak with District and Township staff regarding the classification of Ril Lake. You are correct in that changes were made to the District Official Plan which eliminated the over threshold designation for lakes in Muskoka, along with other aspects of measuring lake system health. In a review of our Official Plan and Development Permit By-law, which has not been amended to reflect these changes, it has been determined that a Water Quality Impact Assessment may not be required (as it previously was) given the changes to the District OP. However, best management practices would be required to be implemented to maintain lake health. That being said, the Township Development Permit By-law can address these concerns when it comes to any proposed development within the shoreline yard.

As it regards the requirement for a rezoning, as the Township of Lake of Bays Development Permit By-law still has Ril Lake categorized as an over threshold lake and states that no new dwellings will be permitted on such a lake, a rezoning of the property would still be required to permit development.

I hope this information is helpful. If you have any additional concerns, please do not hesitate to contact me.

Thank you,

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EMILY THALER

Planning Technician

Township of Lake of Bays | 1012 Dwight Beach Road, Dwight, ON P0A 1H0

T: 705-635-2272 ext. 245 | TF: 1-877-566-0005 | F: 705-635-2132

E: ethaler@lakeofbays.on.ca | lakeofbays.on.ca | facebook.com/lobtownship | twitter.com/LakeofBaysTwP

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-----Original Message-----

From: Gord Nielsen <gord@mna.ca>

Sent: February 23, 2021 4:15 PM

To: Emily Thaler <ethaler@LakeofBays.on.ca>; April Best-Sararas <abest-sararas@lakeofbays.on.ca>; Melissa Markham <mmarkham@lakeofbays.on.ca>; 'Popovich, Nick' <Nick.Popovich@muskoka.on.ca>; Laura Vaisanen <LVaisanen@lakeofbays.on.ca>
Cc: Oliver Reprich <oliver@bracebridgerealty.ca>
Subject: RE: Vacant Waterfront Lot on Ril Lake

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Thanks Emily for emailing me back and that response would be very much appreciated.
Gord

-----Original Message-----

From: Emily Thaler <ethaler@LakeofBays.on.ca>
Sent: February 23, 2021 4:09 PM
To: Gord Nielsen <gord@mna.ca>; April Best-Sararas <abest-sararas@lakeofbays.on.ca>; Melissa Markham <mmarkham@lakeofbays.on.ca>; 'Popovich, Nick' <Nick.Popovich@muskoka.on.ca>; Laura Vaisanen <LVaisanen@lakeofbays.on.ca>
Cc: Oliver Reprich <oliver@bracebridgerealty.ca>
Subject: RE: Vacant Waterfront Lot on Ril Lake

Good afternoon Gord,

Thank you for your e-mail. I understand that this is time sensitive, so I just wanted to advise you that I will hopefully be able to provide you with a response tomorrow afternoon, following our weekly staff meeting at 11am.

Thank you,

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-----Original Message-----

From: Gord Nielsen <gord@mna.ca>
Sent: February 23, 2021 2:07 PM
To: Emily Thaler <ethaler@LakeofBays.on.ca>; April Best-Sararas <abest-sararas@lakeofbays.on.ca>; Melissa Markham <mmarkham@lakeofbays.on.ca>; 'Popovich, Nick' <Nick.Popovich@muskoka.on.ca>; Laura Vaisanen <LVaisanen@lakeofbays.on.ca>

Cc: Oliver Reprich <oliver@bracebridgerealty.ca>
Subject: RE: Vacant Waterfront Lot on Ril Lake

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Hi Emily

I have been asked by Oliver Reprich if I may be able to provide some assistance in determining the best way to explain the limitations associated with the two existing lots of record that his client is presently selling on Ril Lake. In this regard, they are expecting several offers on these lots this Thursday, and need to explain to potential purchasers the steps that will be required in getting municipal approval for the construction of cottages on these lots, and whether there is any potential that the Township may not actually approve such future development. Please note that there is no interest in severing these lots, but simply to develop each for a single family cottage. Further, I have taken a look at their biophysical capabilities, based on a desk-top review at this stage only, but do not foresee any difficulty in being able to properly locate such features as a dwelling, driveway, septic system, shoreline structure and related amenity features on either lot, both of which are large and have locations that appear suitable for such uses.

I must say that, as someone who has previously completed water quality assessments in support of development on this lake, I am left a bit confused by the chain of correspondence, particularly in light of the changes in direction within the District Official Plan regarding lake system health, which were made a few years ago and which no longer use the overthreshold designation for Ril Lake or identify it as a lake on which water quality indicators have been exceeded. I have reviewed the District's most recent published data for this lake and confirm that none of those water quality indicators apply.

I do understand that local municipal Official Plans, Zoning-By-laws and, in the case of your municipality, the Development Permit By-law, are not updated as soon as the District OP is, so are not always in conformity with that plan. I understand that is the case with the 2010 DPLA, which currently does not permit a new dwelling as of right on RIL Lake, and which further directs that a water quality assessment be required in support of that. That said, it would appear that the terms of reference for such a study may be able to be somewhat less onerous than in the past (for example, not requiring testing of soils to demonstrate high phosphorus removal capabilities or any longer term monitoring, neither of which are required under the District OP any longer for Ril Lake, with the foundation for a simplified report laid out in the assessment). Rather, the assessment should simply:

- describe the biophysical setting;
- provide an explanation of the previous designation of this lake as overthreshold in the District's model;
- recognize that a high level of water quality remains an important objective for any development on lakes within the Township;
- working with the future landowner, provide input to their plans which recommends locations for the dwelling, septic, driveway, shoreline structure, pathways and amenity features that respect the topography of the site and which address such matters as conservative setbacks and shoreline buffers, tree retention and any site-specific environmental constraints; and
- incorporate water quality protection measures in both the design of facilities (roof and driveway drainage, etc.) and during construction (sediment and erosion controls and other BMPs) to protect water quality.

As should be the case for any new build on recreational lakes, perspective purchasers must be aware that plans will need to be developed to a high environmental standard and in conformity with other requirements of the municipality, and that this could result in limitations on what they may be able to build. However I think it important that it be communicated to them that providing their plans are reasonable, and supported by a competent water quality assessment, the Township should approve them (i.e. there should not be a concern that these people are purchasing a property which they can not ultimately build on).

In communicating the above to potential purchasers of that lot, I want to make sure the Township is in general agreement with what I have said or whether you feel I have missed anything. Further, a rough sense of how long the required rezoning will take, and whether purchasers should be considering retaining a land use planner in support of that process (my hope is that with my recommended steps, that may not be necessary).

In closing, thank you in advance of for taking the time to review my thoughts on this. A very quick response would be greatly appreciated.

Regards,

Gord Nielsen, M.Sc.
Ecologist
President
Michalski Nielsen Associates Limited
16 Robert Boyer Lane
Bracebridge, ON P1L 1R9
Office 705-645-1413 Cell 705-644-9590
www.mnal.ca

-----Original Message-----

From: Emily Thaler <ethaler@LakeofBays.on.ca>
Sent: February 18, 2021 9:07 AM
To: Oliver Reprich <oliver@bracebridgerealty.ca>
Cc: April Best-Sararas <abest-sararas@lakeofbays.on.ca>; 'Popovich, Nick' <Nick.Popovich@muskoka.on.ca>;
Laura Vaisanen <LVaisanen@lakeofbays.on.ca>
Subject: RE: Vacant Waterfront Lot on Ril Lake

Good morning Oliver,

The conditions under which one could develop the property are as I stated in my previous e-mail, and governed by our Development Permit By-law and Official Plan. Due to the classification of the lake as "Over Threshold", a water quality impact assessment is required, along with a rezoning, as our DP does not permit new single family dwellings on vacant lots on over threshold lakes as a "permitted use". However, that could be addressed with a rezoning pending a proposal and a water quality impact assessment that shows that the property could be developed without a negative impact on the sensitive lake. My intention was not for you to read 502 pages of policy, but to direct you to the specific sections for your own information and so that, should potential buyers wish to review the policies, you could direct them there as well.

Yes, the property is zoned Waterfront Residential, and as per our By-law the Waterfront Residential policies apply. However, so do the policies related to the lake that it is on. The zoning on a property is not the only factor that plays into its ability to be developed.

Please let me know if you have any additional questions.

Regards,

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EMILY THALER
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Township of Lake of Bays | 1012 Dwight Beach Road, Dwight, ON P0A 1H0
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-----Original Message-----

From: Oliver Reprich <oliver@bracebridgerealty.ca>
Sent: February 17, 2021 6:46 PM
To: Emily Thaler <ethaler@LakeofBays.on.ca>
Subject: RE: Vacant Waterfront Lot on Ril Lake

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Evening Emily,

Thank you for your reply, unfortunately the 502 pages of policies you sent through do not clarify the prevailing issue, being, can a purchaser of roll #442703000604503 build a cottage on the property, and if so under which conditions. Looking at the policies on your website it seems you can, and also, according to the policies sent through, by your department, with my initial request for comments confirmed this, but your email is saying "maybe", "maybe not".

The property has been for sale for a few days as a "WR" zoned property and we expect between 10 to 15 offers next week, but all these potential buyers assume it is a developable lot.

Regards

Oliver Reprich
broker of record

Bracebridge Realty

705-641-9524 (Call/Text)
BracebridgeRealty.ca
Your trusted REALTOR® in the Heart of Muskoka

-----Original Message-----

From: Emily Thaler <ethaler@LakeofBays.on.ca>
Sent: February 17, 2021 3:35 PM
To: Oliver Reprich <oliver@bracebridgerealty.ca>
Cc: April Best-Sararas <abest-sararas@lakeofbays.on.ca>; Laura Vaisanen <LVaisanen@lakeofbays.on.ca>; 'Popovich, Nick' <Nick.Popovich@muskoka.on.ca>
Subject: RE: Vacant Waterfront Lot on Ril Lake

Good afternoon Oliver,

As you know, the subject lot is located on Ril Lake and is zoned Waterfront Residential "(WR)". The Township of Lake of Bays Development Permit By-law classifies this lake as being "Over Threshold" (pg. 277, link below). As per the Lake of Bays Official Plan, land severance is generally not permitted without an amendment to the Official Plan. In addition, the construction of a new single detached dwelling may only be permitted provided a rezoning is obtained (see annotation in Section 5.1.1 of the Development Permit By-law under "Permitted Uses" and "One

Single Detached Dwelling (a)"; pg. 53 of the DP) and water quality impact assessments are conducted to satisfy the applicable policies within the Official Plan (D.36-D.42, see OP link below).

Should a rezoning be obtained, generally speaking the remainder of the Waterfront Residential policies would apply, save for any additional requirements specifically noted in the rezoning, and pending any findings by the impact assessment.

Lake of Bays Official Plan: <https://lakeofbays.civicweb.net/document/38428>

Lake of Bays Development Permit By-law: <https://www.lakeofbays.on.ca/en/invest-and-build/resources/Documents/Development-Permit-By-Law-04-180.pdf>

If you have any questions, or would like clarification on any of the above, please do not hesitate to contact me.

Thank you,

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EMILY THALER

Planning Technician

Township of Lake of Bays | 1012 Dwight Beach Road, Dwight, ON P0A 1H0

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-----Original Message-----

From: Oliver Reprich <oliver@bracebridgerealty.ca>

Sent: February 17, 2021 2:25 PM

To: Planning <planning@lakeofbays.on.ca>

Subject: RE: Vacant Waterfront Lot on Ril Lake

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Hi Laura,

Thank you for this, however a potential client had contacted your offices in regards to building on this property and was informed that it is not possible, unless a water impact assessment is done prior to development.

Please can we urgently have clarification on this matter as it is obviously of utmost importance to any potential purchaser.

Thanking you in advance for your attention.

Regards

Oliver

Bracebridge Realty

-----Original Message-----

From: Planning <planning@lakeofbays.on.ca>
Sent: February 16, 2021 3:11 PM
To: Oliver Reprich <oliver@bracebridgerealty.ca>
Subject: Vacant Waterfront Lot on Ril Lake

Hello,

Please find the Waterfront Residential section from our Development Permit By-law.

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Kindest Regards,

Laura Vaisanen
Building and Planning Administrative Assistant Township of Lake of Bays | 1012 Dwight Beach Road, Dwight,
ON P0A 1H0
T: 705-635-2272 ext.228 | TF: 1-877-566-0005 | F: 705-635-2132
E: lvaisanen@lakeofbays.on.ca | lakeofbays.on.ca | facebook.com/lobtownship | twitter.com/LakeofBaysTwp

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-----Original Message-----

From: Planning <planning@lakeofbays.on.ca>
Sent: February 12, 2021 3:31 PM
To: Laura Vaisanen <LVaisanen@lakeofbays.on.ca>
Subject: FW: Vacant Waterfront Lot on Ril Lake

-----Original Message-----

From: info@esolutionsgroup.ca <info@esolutionsgroup.ca> On Behalf Of Oliver Reprich
Sent: February 12, 2021 2:50 PM
To: Planning <planning@lakeofbays.on.ca>
Subject: Vacant Waterfront Lot on Ril Lake

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Please can you advise the set back etc for Roll# 442703000604503, according to your zoning mapping it is zoned WR, but in your zoning by-laws I cannot seem to find anything about zoning WR.

Regards
Oliver
Bracebridge Realty

Origin: <https://www.lakeofbays.on.ca/en/invest-and-build/planning-and-development.aspx>

This email was sent to you by Oliver Reprich<oliver@bracebridgerealty.ca> through <https://www.lakeofbays.on.ca/>.