

March 28, 2025

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VIA EMAIL

File 26071.00001

Council of the Township of Tiny
c/o Cathryne Mullenney, Planning Administrative Coordinator
Township of Tiny
130 Balm Beach Road West
Tiny ON L0L 2J0

Dear Members of Council:

**Re: Public Meeting on March 31, 2025
Federation of Tiny Township Shoreline Associations' comments on amendments to
Official Plan, Zoning By-law, and proposed Shoreline By-law**

We act for the Federation of Tiny Township Shoreline Associations ("**FoTTSA**") in providing comments on the Township of Tiny's ("**Township**") proposed amendments to the Township of Tiny Official Plan, Zoning By-law 22-075, and the proposal to introduce a Shoreline By-law.

FoTTSA is a not-for-profit corporation that represents a number of associations in the Township that represent approximately 2,000 individual ratepayers who own properties containing a seasonal residential dwelling or a residential dwelling within the designated "Shoreline Residential (SR)" area in the Zoning By-law. FoTTSA was established in part "*to promote the protection, enhancement and wise use of the environment of the shoreline*" as stated in its Articles of Incorporation. Its members understand, value, and demonstrate commitment to respecting and protecting the shoreline environment.

Below are the comments of FoTTSA opposing the passing of proposed amendments to the Official Plan and Zoning By-law, and the proposed Shoreline By-law.

Proposed Amendments to the Official Plan and Zoning By-law do not represent good planning

Planning Act, R.S.O. 1990, c. P.13, as amended

The proposed revisions to the Official Plan and Zoning By-law, the purpose of which is to allow for the passage of the proposed draft Shoreline By-law, does not have regard for relevant matters of provincial interest as set out in Section 2 of the *Planning Act*, including:

- (h) the orderly development of safe and healthy communities;
- (l) the protection of the financial and economic well-being of the Province and its municipalities;
- (n) the resolution of planning conflicts involving public and private interests;
- (p) the appropriate location of growth and development;
- (r) the promotion of built form that,
 - (i) is well-designed, and
 - (ii) encourages a sense of place.

No evidence proposed amendments represent orderly development of safe and healthy communities

The proposed amendment to the Official Plan introduces a definition of “Shoreline Development Area” covering “all lands within 45 metres of the 178 metre G.S.C elevation of Georgian Bay.” The extensive definition would essentially regulate the lands of all shoreline property owners in the Township.

There is no foundation or reason for identifying the geographical parameters of the “Shoreline Development Area” at 45 metres. The Township is not relying on any environmental and/or engineering studies or reviews justifying the delineation.

There is no evidence of prevalent and problematic developments along the shoreline. While the Township raised concerns about some problematic shoreline development at the public consultation meeting on February 3 and 4, 2025, no reasons were provided to explain why regulatory measures cannot be specific and targeted against those developments only.

Correspondingly, there is no evidence that the proposed changes to the Zoning By-law, which establishes setbacks and framework for enlargement, repair, replacement or renovation of existing non-complying buildings or structures on the “Shoreline Development Area” meets provincial interest in the orderly development of safe and healthy community along the shoreline.

Proposed amendments contrary to provincial interests

The need to delineate the “Shoreline Development Area” in the Official Plan which affects the lands of all shoreline property owners in the Township is not supported by environmental and/or engineering studies or reviews. The proposed amendments to the Official Plan and the Zoning By-law will be a point of contention and will not facilitate the resolution of planning conflicts involving the Township’s public interests and private interests of ratepayers.

No evidence shows that the introduction of the “Shoreline Development Area” in the Official Plan and/or the corresponding restrictions in the proposed Zoning By-law amendment will promote the growth and development of the area. The proposed amendments in the Zoning By-law are arbitrary and overly restrictive, which does not promote a built form that is well-designed or encourages a sense of place.

Proposed amendments undermine financial and economic well-being of the Township

The purpose of the proposed amendments to the Official Plan and the Zoning By-law is solely to pave the way for the passing of a Shoreline By-law under the *Municipal Act, 2001*. The Township wants to introduce a permit system regulating development in the “Shoreline Development Area” affecting thousands of properties along the *Great Lakes - St. Lawrence River System* shoreline.

The Township’s Director of Engineering and/or Director of Planning and Development will then bear a heavy administrative burden to process the permit application packages with extensive technical studies and reports.

There is no evidence that the Township has the capacity to handle the work, including responding to potential appeals and litigation, investigation and enforcement.

The Township has not put forward any evidence to support how the proposed amendments to the Official Plan and the Zoning By-law, the purpose of which is to pass the draft Shoreline By-law, would support the financial and economic well-being of the Township. Instead, the publicly available budget and financial statements indicate the Township has an infrastructure deficit exacerbated by the capital cost of a new administration building.

Inconsistency with *Provincial Planning Statement, 2024* (“PPS 2024”)

The proposed revisions to the Official Plan and Zoning By-law are not consistent with the PPS 2024, including policies 5.2, and 6.2.

Inconsistency with Policy 5.2 of the PPS 2024

The new “Shoreline Development Area” proposed in the Official Plan amendments cover “all lands within 45 metres of the 178 metre G.S.C elevation of Georgian Bay”, which is the same or overlaps with the area identified as the Dynamic Beach Hazard.

The proposed Official Plan amendments are inconsistent with policy 5.2 of the PPS 2024, which provides that planning authorities shall, in collaboration with conservation authorities where they exist, identify hazardous lands and hazardous sites and manage development in these areas. The Township has not identified hazardous lands and sites, it has instead chosen to designate all shoreline property, up to 45 metres from the 178 metre G.S.C. elevation as Dynamic Beach Hazard without seeking to identify whether any of this area constitutes hazardous lands and hazardous sites. This in our opinion constitutes a significant over reach.

The proposed amendments to the Official Plan and Zoning By-law create confusion by failing to distinguish between lands in the new “Shoreline Development Area” and Dynamic Beach Hazard area.

Inconsistency with Policy 6.2 of the PPS 2024

Pursuant to Policy 6.2 of the PPS 2024, the Township should adopt a coordinated, integrated and comprehensive approach when dealing with planning matters regarding ecosystem, shoreline, watershed, and Great Lakes related issues. The Township should also engage the public and stakeholders early in local efforts to implement the Provincial Planning Statement, and to provide the necessary information to ensure the informed involvement of local citizens, including equity-deserving groups.

Since May 29, 2023, the Township has undertaken to review its land use planning policies pertaining to the development of areas in proximity to the 178-metre contour elevation of the Georgian Bay Shoreline by passing the Interim Control By-law which prohibited the erection of structures and shoreline alterations.

The effect of the proposed amendments to the Official Plan and Zoning By-law is to make the prohibitions in the Interim Control By-law permanent through the passing of a Shoreline By-law. The Interim Control By-law was passed on May 29, 2023. Despite having had almost two years to consider whether construction and site alteration along the shoreline requires additional municipal regulation, the Township has not put forward additional information to support the proposed amendments to the Official Plan, Zoning By-law, and proposed draft Shoreline By-law to alleviate the public’s concerns. Similar to the time when the Interim Control By-law was passed

in 2023, from the information available to the public, there appears to be no objective and/or scientific justification for the restrictions in the proposed amendments of the Official Plan and Zoning By-law, contrary to Policy 6.2 of the PPS 2024.

Members of FoTTSA attended the public consultation meetings on February 3 and 4, 2025.

At the meetings, the Township had represented to the public that:

- a) There will be provisions providing 'grandfathering' rights that would exempt certain pre-existing structures from regulation if they are within the proposed "Shoreline Development Area" under the proposed Official Plan amendment;— no such provisions are proposed in the Zoning By-law amendments;
- b) There will be exemptions for existing structures, or the maintaining or replacing of existing structures if they are within the proposed "Shoreline Development Area" – no such exemptions are included in the proposed Zoning By-law amendments;
- c) Septic systems are considered a particular type of defined structure under the existing Zoning By-law and there is a separate permitting process for them – there are no correlating updates or revisions in the proposed Zoning By-law amendments which would provide exemptions if such septic systems are located within the proposed "Shoreline Development Area".

The failure to take into account comments from the public, stakeholders, and ratepayers who attended public meetings despite representations from the Township is not consistent with Policy 6.2 of the PPS 2024.

Proposed Shoreline By-law is vague and deficient

The Township wants to establish a permitting system that regulates site alteration and construction of buildings and structures on the "Shoreline Development Area", i.e., all land within 45 metres of the 178 metre G.S.C Elevation adjacent to Georgian Bay including Dynamic Beach Hazard lands.

The draft Shoreline By-law is vague and deficient. Its implementation would be inconsistent with the Township's proper exercise of powers under the *Municipal Act, 2001*, S.O. 2001, c. 25.

By-law vague and arbitrary creating uncertainty

There is an extensive list of definitions under section 2 of the draft Shoreline By-law, including a definition of “other water-related hazards” and “hazardous lands” with reference to PPS 2024. However, many of the defined terms in section 2 do not appear in other parts of the draft by-law and it is unclear why they are specifically defined.

The prohibitions under the permit system in section 4 of the draft by-law are limited to restricting construction or site alteration that would cause new or aggravate existing “flooding, erosion and/or dynamic beach hazards”, with no reference to other ‘hazards’ defined in section 2.

This creates uncertainty on the scope of permit being applied for. For example, a ratepayer cannot ascertain whether permits would be needed under the by-law for construction on or site alteration of lands where there are no “flooding, erosion and/or dynamic beach hazards” but where there may be “other water-related hazards”.

No reason to impose disproportionate restrictions

The permit application regime provided under the draft Shoreline By-law applies to all construction of buildings/structures or site alteration within the “Shoreline Development Area” and categorizes them into ‘classes’ according to the scale of the project.

The limitations imposed on ratepayers’ use of their shoreline properties are disproportional and not supported by evidence supporting the delineation of the “Shoreline Development Area” as all lands within 45 metres of the *Great Lakes - St. Lawrence River System* shoreline.

Deficient in regulating matters beyond the scope of the *Municipal Act, 2001*

By introducing a permit system regulating where and how construction of buildings and/or structure in the “Shoreline Development Area” is to be built (if at all), the by-law is seeking to regulate matters beyond the scope of the *Municipal Act, 2001*.

While the *Municipal Act, 2001* allows the Township to enact by-laws for site alteration, the location at which buildings and/or structures can be located, and whether buildings and/or structures can be built, are matters regulated under the authority of the *Planning Act* and the *Building Code Act, 1992, S.O. 1992, c. 23*. The draft Shoreline By-law makes no references to either of those pieces of legislation.

Different types of development are distinguished by classification in the proposed permit application form only. Under the draft permit application form, projects with approval obtained through a Minor Variance or Zoning By-law Amendment are in 'Class 1', and buildings and/or structures that have been issued zoning compliance approval through a building permit application are also considered 'Class 1'. These classifications are deficient in that they serve as the Township's administrative distinctions only. The draft Shoreline By-law does not have transition or interim provisions to integrate the policies supporting the proposed Official Plan and Zoning By-law amendments in its use of powers under the *Municipal Act, 2001* when there may be an overlap with the *Planning Act* and/or the *Building Code Act*.

Conclusion

FoTTSA does not support the Township's proposed amendments to the Official Plan and Zoning By-law, or the passing of the Shoreline By-law. FoTTSA and its agent/representative will be making further oral comments at the Statutory Public Meeting before Council on March 31, 2025.

Yours truly,

WeirFoulds LLP



Sylvain Rouleau
Partner

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