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April 16, 2021

Via email

Brandon Stevens,
Case Coordinator, Ontario Land Tribunals

**RE: PL200513 – Brandon v Georgian Bay (Township)
Township Status Regarding Tribunal Hearing Commencing April 22, 2021**

Dear Mr. Stevens,

We are writing to confirm our support for the application of Eastern Georgian Bay Protective Society Inc. (EGBPS) for Party Status at the above hearing (EGBPS Application). We refer to EGBPS's application dated March 1, 2021, the attached peer review of the sewage system by RJ Burnside & Associates Limited, and the letter to you from Bennett Jones LLP dated April 14, 2021 requesting that you deny the EGBPS Application.

The Georgian Bay Association (GBA) is an umbrella organization for 18 community associations along the east and north shores of Georgian Bay, representing around 3,000 families. We have been advocating on behalf of our land-owning members for over 100 years and estimate that we reach and influence around 18,000 residents of the Georgian Bay. Our mandate is to work with our water-based communities and other stakeholders to ensure the careful stewardship of the greater Georgian Bay environment.

We respectfully suggest that, should you deny the EGBPS Application, then such an action would be inconsistent with the expressed Ontario Land Tribunals (OLT) values that can be found here: <https://olt.gov.on.ca/about-olt/mandate-mission-values/>. In particular your mission statement:

We deliver modern, fair, responsive, accessible, effective and efficient dispute resolution services that support strong, healthy communities and the public interest.

Although we understand that the tribunal is focussed on the failure of the Township to approve a site plan amendment for a new septic system, since you are in possession of the attached peer review, which details serious shortcomings in the proposed system, we suggest that you have a responsibility for: fairness by making these proceedings accessible as well as ensuring the health and safety of the local community is being considered while protecting the public interest.

Denying the EGBPS Application, and the opportunity for the tribunal to be made aware of the numerous issues with regard to the site plan application is therefore inconsistent with your mission statement.

We would also like to draw your attention to the following:

- Included in the EGBPS supporting organizations is the South Honey Harbour Residents of Sunset Bay. These represent around 145 local residents with properties immediately adjacent to Brandy's Cove, who are unanimously opposed to the site plan application. If the proposed septic system is allowed to proceed, then it is our understanding that there could be a high risk that the water that these residents rely upon could become contaminated and create a serious health risk, quite apart from being un-swimmable an environmental mishap could potentially destroy much of the fish and fish habitat in this area as well as leave these residents with places that are unliveable and likely unsellable.
- Allowing this marina to process marine septage onsite creates a dangerous precedent for all marinas in Ontario that are not connected to their town's sewage mains, as they all currently transport marine septage offsite. This is sufficient reason in and of itself to deny the site plan approval in order to protect the public interest of all Ontarians and their associated waters.
- Both the Township of Georgian Bay (TGB) and the Ministry of Environment, Conservation and Parks (MECP) respectively erred in providing positive recommendations to support the site plan application and issuing an Environmental Certificate of Approval (ECA) for the proposed (in our opinion, woefully inadequate) septic system. Your tribunal should not be compounding these errors.
- We also attach our letter dated October 8, 2020 outlining our concerns about environmental impacts and other concerns we have on this matter.
- We understand that there are numerous other rationales for not approving the site plan application. EGBPS would be able to furnish these rationales to the tribunal if they are granted Party status, and it is therefore incumbent on the tribunal to grant them this status in order to ensure a fair, balanced and accessible proceeding.

We trust that you agree that it is necessary to allow EGBPS Party Status in order to act in a manner consistent with your mission statement and for the above reasons.

We look forward to hearing from you in this respect.

Yours sincerely,

A handwritten signature in blue ink that reads "Rupert Kindersley". The signature is written in a cursive style with a horizontal line underneath the name.

Rupert Kindersley
Executive Director