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October 28, 2022

To: Ryan Co
Ontario Land Tribunal
By email: Ryan.Co@ontario.ca

**Re: 1 Island 360C (Morlock Island) in the Township of Carling; OLT Case No.: OLT-22-004251;
Reference Number: Z/2021/08**

Dear Mr. Co,

We are writing in support of the decision by the Township of Carling (Carling) to refuse the above by-law amendment and order that the unlawful structure on this island, that does not meet Carling planning regulations, be removed. We understand that the land owner was granted the opportunity to determine whether a planning application for the structure, after the fact, would be successful, but has failed to demonstrate this.

The Georgian Bay Association (GBA) is an umbrella organization for 18 community associations along the east and north shores of Georgian Bay, representing approximately 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 30,000 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.

With regard to this matter, we have reviewed the June 21, 2022 report from John Jackson Planner, Inc. and other material and agree that:

- The replacement cottage (unlawful structure) has not been permitted and, more importantly, does not meet the current performance standards of the Township of Carling Zoning By-Law
- The front yard for the unlawful structure is deficient, since it is only 4 metres vs the minimum requirement of 20 metres for new structures
- The request to reduce the front yard to bring the unlawful structure into compliance is contrary to the fundamental tenets of the Carling official plan, including its goals, objectives, philosophy and specific policies
- The existing septic system is reported to be inadequate for the new structures on the island

- The environmental assessment submitted by the applicant is insufficient as it does not adequately address damage to, or the potential destruction of, species at risk habitat and no permit from the Ministry of Environment, Conservation and Parks has been obtained in this respect.

In summary, the unlawful structure is in breach of the Carling Official Plan and Zoning Bylaws. It appears that no attempt was made by the landowner to comply with any of these requirements.

Official Plans and Zoning Bylaws are in place to ensure, amongst other requirements, that structures are built correctly, in the right location and in compliance with all applicable regulations, including environmental protections. To allow this structure to remain in place would set an unacceptable precedent and undermine Carling's planning regulations.

We hope that the Ontario Land Tribunal will take into account our opinion on this matter, as well as the submission from West Carling Association and Pengally Bay Ratepayers Association, and support the Carling decision to refuse the above by-law amendment and order that the unlawful structure on this island be removed.

Yours sincerely,



Rupert Kindersley
Executive Director

Copied To:

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Full Reference:

PROCEEDING COMMENCED UNDER subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant:	Alan Gertner
Subject:	Application to amend the Zoning By-law – Refusal or neglect to make a decision
Description:	To permit the replacement of an existing legal non-complying residential dwelling
Reference Number:	Z/2021/08
Property Address:	1 Island 360C (Morlock Island)
Municipality/UT:	Carling/Parry Sound
OLT Case No.:	OLT-22-004251
OLT Lead Case No.:	OLT-22-004251
OLT Case Name:	Gertner v. Carling (Township)