

April 16 2013

Denis LeBel
Minister of Transport
330 Sparks Street
Ottawa K1A 0N5

Navigable Waters Act--Jurisdiction to Control In Water Development

I did e mail you on Oct 23 2012 and did receive your response Jan 24 2013:-copies attached for easy reference.

I have discussed your response with cottage association representatives and elected Municipal representatives and staff in the Apsley area. It has been suggested that I request further clarification on this important mater which is the purpose of this letter.

We are aware that lakes in the Kawarthas such as such as Jack Lake are no longer protected by the Navigable Waters Protection Act . We are also frankly confused why lakes and the Kawarthas are not listed in the Schedule of the Act while similar sized lakes in the Muskokas continue to be protected by the Act.

Of prime concern is the need to understand the jurisdiction and role of Municipalities and the Province of Ontario in regulating in water development in lakes such as Jack Lake no longer governed by the Navigable Waters Protections Act.

According to your e mail of Jan 24 *"..municipal authority to grant building permits is untouched; therefore, municipalities will continue to decide where and when project can be built"*

Jack Lake in Peterborough County is located within the Municipal boundaries of two Townships being Havelock Belmont Methuen and North Kawartha. Both current elected Councils are on record that they have no jurisdiction to regulate in water development which according to them is within the responsibility and authority of the Province of Ontario and the Federal Government.

The Province of Ontario early in the Harris reign deregulated the Public Land Act in such a reckless manner that one can build a 36,000 square foot (yes not quite an acre) in-water boathouse without any requirement for permit from the Province of Ontario being the owner of the lake bottoms.

So, with the Province of Ontario exempting major in water development through a watered down Public Lands Act and associated Free Use Policy, and the two municipalities Havelock Belmont Methuen and North Kawartha abdicating control over in-water development property, owners are free to construct **without any permits or inspections** major in water developments such as boat houses. This type of conduct would not likely be allowed in third world countries with either inept or corrupt governments.

It is not just a theory that such an activity could occur. In summer of 2011, on Jack Lake, a cottager



did construct a large boathouse at a cost reported by the owner to be \$500,000.00 **without any permits or any government inspections!** (Pic inserted)

So, I am sure you can appreciate my concern when the Federal Government takes the position that they are deregulating the Navigable Waters Protection Act **to reduce red tape. Not a lot of red tape involved in building major in water boat house in Jack Lake.**

In the past we have seen downloading of responsibilities from certain levels of government to more junior level of government such as municipalities. In the case Navigable Waters Protection Act there was no reassignment of jurisdiction, just an impression that some perceived duplication of responsibility was being eliminated.

Based on the foregoing can you clearly answer the following :

Do municipalities in Ontario have authority to regulate in water development through The Planning Act and Ontario Building Code Act on lakes not regulated by the Navigable Water Act?

I am meeting with cottage association representatives in last part of May so would appreciate a response by mid-May.

A short simple clear answer would be appreciated by all concern with this issue.

Ambrose Moran
PO Box 414
Apsley Ontario
K0L1A0

CC

MP Barry Devolin

MP Delmastro

MPP Jeff Leal