

Date: October 17, 2024

To: Cale Henderson, Manager, Development & Environmental Services  
Township of The Archipelago

From: Rebecca Elphick, Planner, JLR

CC: Jason Ferrigan, Chief Planner and Principal Associate, JLR

Subject: Draft Site Alteration and Tree Preservation By-laws: Summary of Additional Public Feedback

JLR No.: 31668-000

## **Background**

J.L. Richards & Associates Limited (JLR) was retained by the Township of The Archipelago (the Township) to assist with the development of a site alteration by-law and a tree preservation by-law in response to recent developments which proceeded without the benefit of full federal, provincial, and municipal approval, and to provide the Township with additional regulatory tools to respond to similar situations in the future.

To date, JLR has completed initial public consultation regarding the project's direction, a review of best practices of by-laws enacted in municipalities of similar size and geography to the Township, drafted by-laws to suit the unique needs of the Township, engaged Council, staff, and legal professionals to refine the by-laws for public review, and completed one round of public engagement on the draft by-laws. Engagement with the public regarding the initial drafts of the by-laws included an online public survey (December 1, 2023 to February 2, 2024), an in-person open house and a virtual open house (January 25 and 30, 2024, respectively), and receiving comments by phone and by email.

A full summary of the public feedback gathered through the first round of engagement on the draft by-laws was presented to Council in a memorandum prepared by JLR and dated March 21, 2024. In brief, the key themes of public feedback arising from first round of engagement on the draft by-laws largely centered on the draft tree preservation by-law and concerned:

- whether additional regulation is needed to manage tree/vegetation removal on private property;
- the level of regulation imposed by the by-law;
- whether additional regulation will achieve Council's goal of improving protections for the natural environment;
- the need to improve the language within the by-laws for ease of understanding;
- the potential for a backlog of applications seeking relief from the by-laws and long wait times for approval from the Township; and,
- enforcement of the by-laws as drafted, including the resources necessary to do so.

As a result of the feedback gathered in Winter 2023/2024 and with direction from Council, the draft by-laws were revised to address key concerns. The scope of these revisions included:

- an explanatory summary overview of the by-laws preceding the text of the by-laws written in plain language;
- introducing additional exempted activities within both the draft site alteration and tree preservation by-laws;
- introducing a "two-zone" concept to the draft tree preservation by-law with less restriction on tree removal beyond the "shoreline buffer area" (i.e., 7.5m from the highwater mark);
- delegating authority to staff to grant relief from the by-laws for activities not otherwise permitted;

- introducing objective criteria by which such applications would be reviewed by staff; and,
- providing an appeals mechanism for applicants to seek a decision from Council where their application was refused by staff or where staff did not make a decision on their application within a specified timeframe.

In addition to feedback on the draft by-laws' content, the first round of engagement highlighted a strong desire for more opportunities for the public to provide their input, particularly during the summer months when seasonal residents could attend in-person. In response, Council directed JLR and Township staff to host two additional open houses over the summer months, one in-person and one held virtually, to provide an update on the revised draft by-laws and to provide an opportunity for the public to provide their input. Township staff also received comments by phone, email, and through a comment form on the Township's website.

The purpose of this memorandum is to provide a summary of the key themes arising from this most recent round of public engagement and to seek Council's direction in advancing this project.

**Key Themes Arising from Additional Public Engagement Activities**

Following Council's direction, Township staff and JLR hosted an in-person open house at the Pointe au Baril Community Centre in the afternoon of August 13, 2024 and a virtual open house via Zoom in the evening of August 22, 2024. Approximately 50 people attended the in-person event, and about 75 people logged onto the Zoom meeting.

Both public open house sessions included a presentation which provided a status update and overview of the by-laws as drafted, including discussion of the revisions made to the by-laws to address public feedback, followed by a Q&A period. This section of the memorandum provides an overview of the themes arising from general questions and comments made in both the in-person and virtual formats.

As with the first round of engagement on the draft by-laws, public feedback again centered largely on the draft tree preservation with little commentary on the draft site alteration by-law. Questions and comments made in the most recent open houses concerned the proposed shoreline buffer area, the need for public education to supplement and/or replace the proposed by-laws, continuing concerns around enforcement and administration of the by-laws as drafted, as well as commentary regarding exempted activities and technical aspects of the draft by-laws. These themes are also reflected in the comments submitted by email and through the Township's website.

Based on the feedback received to date, it is evident that many attendees are concerned with the additional regulations proposed on tree and shoreline vegetation removal through the draft tree preservation by-law. The discussions held at both the in-person and virtual public open houses highlighted areas of the draft by-laws where support is lacking, noting, however, general support and appreciation for the revisions made to the draft by-laws to date. Overall, public input received to date indicates that additional revision is needed before the by-laws can see broad support in the community, with some feedback urging Council not to proceed with the by-laws in any form.

The table below highlights the key themes emerging from discussions at the in-person and public open houses, as well as comments received through the online comment form hosted on the Township's website and comments received by email. Where comments were received in writing, they are included in their original form as an appendix to this memorandum.

Theme	Summary of Key Questions and Comments
Shoreline Buffer Area	Concerns that restrictions imposed through the draft tree preservation by-law within the proposed shoreline buffer area are too impactful to everyday property maintenance and would trigger unnecessary applications to the Township for relief from the by-law.
	Desire for more explicit language in the prohibitions regarding the "two-zone approach" to the draft tree preservation by-law to clearly delineate what is and is not permitted in the shoreline buffer area and what is and is not permitted in the remainder of the property.

Theme	Summary of Key Questions and Comments
	<p>Desire for the draft tree preservation by-law to permit the removal of trees and vegetation for the purpose of maintaining views of the water from shoreline properties, especially given that access to such views is central to the enjoyment of waterfront properties.</p> <p>Desire for the draft tree preservation by-law to permit the harvest by Indigenous peoples of traditional medicines or other plants for ceremonial purposes within the shoreline buffer area.</p> <p>Concern regarding access to remote shoreline properties with heavy equipment for construction activities associated with an issued building permit and impact to shoreline vegetation.</p> <p>Concern regarding the abuse of exempted activities to facilitate tree/vegetation removal not keeping with the spirit of those exemptions (e.g., erection of multiple pathways for the sole purpose of tree or vegetation removal with no plans for their use as a pathway).</p> <p>Suggestions to consider including aspects of the Township of Georgian Bay's approach to shoreline preservation, including permitting a percentage of the shoreline buffer area to be disturbed for an "activity area" or viewing corridor and requiring the remainder to be kept in its natural state.</p> <p>Need for additional clarity as to what constitutes a dead or damaged tree under the proposed exemptions and concern over whether property owners would be required to consult a professional to make such a determination.</p> <p>Desire for more clarity as to permissions for removing a tree which poses a risk to a building or structure.</p> <p>Concern as to how the by-law may adversely impact properties that have been left unmaintained over long periods of time.</p>
Tree Removal Beyond Shoreline Buffer Area	Desire for more clarity as to whether the clearcutting of trees applies to the whole or only a portion of the property in determining what constitutes removing "all or substantially all" of the trees on a property.
Site Alteration	<p>Desire for the site alteration by-law to permit activities that would change the existing grade on a property for accessibility purposes.</p> <p>Concern that the threshold of adding or removing up to 30 cm or 1 ft. of fill is insufficient for minor landscaping activities.</p>
Enforcement and Administration	<p>Desire for the draft by-laws to be written to expressly prohibit specific activities deemed by the Township to be harmful to the natural environment, rather than imposing a blanket prohibition on all activities and providing exemptions for specific activities that are permitted.</p> <p>Concerns regarding the complaint-based nature of the by-laws' enforcement, noting the potential impact on the enjoyment of one's property with the knowledge that neighbours have made complaints to the Township, as well as desire for more clarity regarding the reporting of suspected infractions (e.g., whether anonymous reporting to the Township from residents would be permitted).</p> <p>Questions as to whether additional resources would be needed for the Township to administer and enforce the by-laws as drafted and what impact this may have on municipal taxation.</p>
Applications for Relief from By-law	<p>Concern regarding the delegation of authority to staff to make decisions on applications for relief from the by-laws, given that staff are unelected officials.</p> <p>Concern that requirements to hire third-party professionals to undertake technical studies will be costly and may cause undue hardship to applicants seeking relief.</p>

Theme	Summary of Key Questions and Comments
Public Education Campaigns	View that education is essential and should be extensive if Council chooses to adopt the by-laws in any form to ensure their successful implementation.
	Suggestions that the Township's resources would be better spent on a public education campaign promoting best management practices for shoreline preservation rather than additional regulation.
	Concern that although those with good intentions will adhere to best management practices for shoreline preservation if the Township pursues public education or additional regulation, a regulatory framework is needed to address the "bad actors" who do not share values of environmental protection and preservation.
Other	Suggestion to consider different standards for different wards of the Township, given the varied tree cover and topography that exists between these areas.

**Next Steps: Options and Recommendations**

Based on the feedback gathered through the public open houses, online comment form, and through email correspondence, we request direction from Council regarding next steps in the project:

1. We ask that Council direct Township staff and JLR to continue to refine and scope the draft site alteration and draft tree preservation by-laws as a tool to preserve and protect the natural environment, while maintaining balance with the rights of property owners to use and enjoy their lands.
  - *Alternative:* Continue to develop only the site alteration by-law, and re-focus efforts on an education and awareness campaign targeting good forestry practices
  - *Alternative:* Discontinue by-law development and re-focus efforts on an education and awareness campaign targeting environmental stewardship
  
2. We recommend that many of the themes emerging from public feedback can be addressed through minor technical modifications to the by-laws. We ask that Council direct Township staff and JLR to proceed with revisions to the final draft site alteration and tree preservation by-laws, with particular attention to incorporating additional flexibility through activities that are exempted in each by-law and improving the language of both by-laws in areas that caused confusion, concern, or misunderstanding from the public. Such modifications include, for example:
  - refining definitions in the draft by-laws that generated confusion or concern (e.g., definition for clearcutting in the tree preservation by-law, clearly outlining the two-zone approach in prohibitions of the tree preservation by-law);
  - including additional exemptions in the draft by-laws (e.g., the harvesting by Indigenous peoples of traditional medicines or plants used for ceremonial purposes, allowing for the trimming/pruning of tree branches in accordance with good forestry practice to maintain, improve, or protect tree health while providing viewing windows); and,
  - refining existing exemptions in the draft by-laws (e.g., clarifying that removal of dead, damaged, or hazardous trees is permitted without the opinion of a qualified professional, revising the definition of "good forestry practices" to exclude references to the opinion of a qualified professional).
  
3. In addition to the above modifications, we recommend that further revision to the final draft tree preservation by-law is needed to address concerns raised by the public with respect to the proposed restrictions on tree and vegetation removal in the shoreline buffer area (i.e., 7.5 m from the highwater mark); however, there are several options that may address such concerns. As such, we request that Council direct Township staff and JLR to proceed with revision to the final draft tree preservation by-law as it relates to the proposed shoreline buffer area, with specific direction to implement one of the following options:

- Option 1: Include an exemption within the final draft tree preservation by-law which allows for the injuring or destruction of trees in the shoreline buffer area to a maximum width of 25% of the shoreline frontage, or 25 metres, whichever is the lesser.
- Option 2: Include an exemption within the final draft tree preservation by-law which allows for the removal of trees having a diameter at breast height (DBH) less than 15 cm (6 in.) anywhere within the shoreline buffer area.
4. Finally, with respect to the administration of the draft by-laws, we request direction from Council regarding the provisions which delegate authority to staff to grant relief from the by-laws on a case-by-case basis, and specifically whether such provisions should be retained in the final draft by-laws.

We look forward to Council's direction on the aforementioned items. Should you have any questions or require additional information, please contact the undersigned.

J.L. RICHARDS & ASSOCIATES LIMITED

Prepared by:



Rebecca Elphick, MPL, RPP, MCIP  
Planner

Reviewed by:



Jason Ferrigan, RPP, MCIP, MSc.PI  
Principal Associate; Chief Planner

RE:jf

Enclosed:

- Appendix A: Log of Written Questions and Comments from In-Person and Virtual Open House
- Appendix B: Log of Written Questions and Comments from Township Website
- Appendix C: Log of Written Questions and Comments by Email

**Appendix A: Log of Written Questions and Comments from In-Person and Virtual Open House**

An overreach by government bureaucrats. As proposed, this bylaw is an infringement on the property owner to decide on basic use and maintenance of same. I do not support this by-law.
Do not support. Needs to be less restrictive. Owner of small island. 7.5 metres is a big area around a small island, with a lot of trees. If a tree is cut a seedling is planted to replace the tree should be accepted. Myself and my father and family planted all the trees on our island as it was burnt out when purchased. Trees should be allowed to be cut and thinned out anywhere on private property.
With the new version of the bylaws, I understand we are not allowed to clear natural vegetation within 25ft of the shoreline. We have a few natural beaches that I would like to clear of natural tall grass like plants, would I be able to without seeking an exemption from the Township?
How does removing trees and underbrush to create new roads impact the environment close to lakes?
How did you determine what was considered "Best Practice" in drafting the by-laws?
Where can we see the results of the public surveys?
Yes, building a drive way to access a home or garage is exempt, however it must be between 10' to ax 30'. Which sounds like a lot however not in a situation with a home and attached garage. So yes, exempted but like all the exemptions there are still restrictions. So, the devil is in the details so to speak
Are these proposed by laws for the entire township? Or are they "ward specific"? The topography, tree coverage, and shoreline vegetation of an outer island in ward 3 of PAB, where the Canadian shield has little to no vegetation, varies dramatically to a property in a shallow bay on Crane Lake or the northwest corner of Sturgeon Bay of ward 1 for example.
Just wondering here ... (no issue with it, but curious) how did you come up with the 7.5m distance from shoreline?
Also, is that 7.5m from high water mark, low water mark or as of date of modification?
Mark, Currently the way written I do believe the bylaws apply to all wards and all residentially zoned properties
Thank you for your response. Please consider my brief comment. I believe due to the wildly diverse topography throughout the TOA, any bylaw should be ward specific. Thank you
a few years ago, we had extraordinarily HIGH water, so the 7.5m is from where that water got up to that year? It might be hard to calculate that.
Is the Town still hiring additional staff to manage this. If so what are the tax implication
The draft bylaw refers to clear cutting a "portion" of the property. There seems to be no exemption for tree removal when putting in a septic bed - would this be considered clear cutting because all trees in a particular area of the property are removed (i.e., where the septic bed would go)? Should there be an exemption for tree removal when installing a septic?
Will constituents be allowed to vote on this bylaw?
Public survey should also be split and be ward specific. What people think and feel in one area might be the absolute difference to the other area.
From the last meeting, there was a proposed tax increase? What will that look like?
Well said John. I agree with your comments and the Twp of GB approach seems reasonable and practical.
Excellent point about the area considered for clear cutting made by John Lill.

**Appendix A: Log of Written Questions and Comments from In-Person and Virtual Open House**

Thanks Will. I think a majority agrees with prohibiting excessive destruction of shoreline vegetation, but we have to be able to manage and maintain our views and access to the shoreline.
Very nicely said Andy Blenkarn.
Thanks Andy Karashov for your comments. There is a disconnect between the feedback from the public and the presentation and the draft by-laws.
What is the "high-Water" elevation?
But you didn't ask the same questions or poll with the same questions in the in person meeting. Had you and it is obvious the support numbers would be way lower.
Did I hear Cale say that today's elevation of Georgian Bay is very close to the stated High-Water elevation?
You had 154 people on the online meeting that you surveyed and at least 50 people in the in person you didn't. The in person was overwhelming against this
Agree with Rebecca's clarification...I support having a shoreline preservation bylaw but not this bylaw. By all means, prohibit clear cutting the shoreline but don't restrict sensible property management which includes maintaining views and sight lines. The Twp of GB that protects 75% of the shore reasonably and gives full freedom to 25% is a good balance. Finally, hiring arborists to remove a few trees is costly and overly onerous
I really appreciate the change to the Tree Preservation Bylaw to incorporate a 2 zone approach; however I totally missed this change in reviewing the revised bylaw. Would you please direct me to where in the bylaw this 2 zone approach is outlined? Thank you.
Question for staff How many people have joined this meeting?
I agree with Andy Blenkarn, if there is very specific activity we wish to prevent, the by-law should be targeted and specific, rather than blanket with exemptions. This would limit the amount of litigation, enforcement costs and nuisance of dealing with things that are potentially well within the exemptions but not necessarily obvious. As much discretion as possible should be removed from the enforcement process of these by-laws.

**Appendix B: Log of Written Questions and Comments from Township Website**

I still do not see any reference to being able to remove a tree which has begun leaning unnaturally from owned property that poses a risk to structure where damage could be extensive in nature or cause injury to humans.

Totally in support of whatever council decides. Please keep it simple, so administration of the rules does not become a burden for residents.

While some aspects of the proposed regulations have been made more reasonable, the entire thing is still a massive overreach. Mother nature is very aggressive in the bay, and requiring a permit to remove plants that are not even trees is ridiculous. I could understand some protection for mature large trees but this is crazy. The whole thing assumes that the Archipelago knows more or cares more about Georgian Bay and I question that assumption. The whole thing will lead to more cost, leading to higher taxes and will certainly lead to more wasted time and frustration. Most people would like to enjoy their time in the Bay, not deal with Archipelago staff.

This by-law should strive to prevent:

- clear cutting, lot clearing (the Pines) where no cottages exist
- cleaning and scraping islands, or large sections of islands bare (island outside of 5 mile)
- creation of pathways larger than 2m (Beulah island) without permit and impact assessment - in particular where no existing cottages exist.

This by-law should not:

- prevent existing cottagers with dense/forested views from enhancing those views by removing trees, underbrush etc. Some reasonable % of certain types/sites of trees should be maintained.
- Prevent islands with existing cottages that have not been maintained in recent years by existing owners due to age, funds etc. from being cleared/opened up in a manner that would expose views and openness that would have existed in years past.

I am all for protecting the environment but if the purpose of these draft bylaws is to protect against homeowners who want to "substantially alter their property" I would argue that taking down a couple of trees in the midst of a forest is not "substantially altering" the property. I am very concerned about having to adhere to a new onerous process, with significant costs (application fee, cost of having professional assessment, time) involved every time we see a danger from a tree to one of our buildings. It can be difficult to determine the health of a poplar tree from the exterior. We took down 2 poplars that we were worried might fall on our shed - they looked fine from the outside, but when taken down we found that the interior was full of rot. What happens if your manager rejects an application to take down a tree and a year or two later that tree falls and damages our cottage? We would sue the Township. What happens if we perceive a danger from a tree on a neighbour's property and he refuses to file an application to take down the tree due to cost and inconvenience? While it seems that we don't need approval to take down trees if we have a building permit, what about when we need to take down trees because they interfere with a new 10 square metre shed (that we don't need a building permit for)? Much of the Archipelago is forested and nature regenerates itself. A few years ago, our neighbour took down about 12 trees and all of a sudden, we could see his cottage from ours and it looked quite bare. Two years later, small trees and bushes had grown up and we could no longer see his cottage. I think these draft bylaws go way beyond protecting against clear cutting, which we are against, and should be revised to allow a property owner to take down a limited number of trees at their own discretion without seeking approval from the Township. This seems like a way to generate revenue.

Thank you for the intelligent modifications to the original bylaw. It seems opinions were listened to in the creation of multiple exemptions. The final bylaw wording should reflect the accepted practice that other townships have already implemented.

Cale , Rebecca - thank you for the latest update. It looks like rate payers' input is reflected in the latest version of the bylaws. We have unmuted but can't seem to get our question asked live so here it is:

Have a technical question: - who has jurisdiction for the shoreline - the Township or the Ministry of Natural Resources?

Thanks.

The only aspect I am not in agreement with is asking permission to take down sick or dead trees. They pose a safety issue to both humans and the cottage.



**Appendix B: Log of Written Questions and Comments from Township Website**

This is a fantastic set of regulations and from my perspective was needed many years ago. Unfortunately, too late to help me as my neighbor, about 12 years ago, arrived at his newly acquired cottage with bull dozers ready to go. He proceeded to cut down one of the largest groves of cedar trees ( some 16" across) that I have ever seen. He then, starting at water line , bull dozed rocks and stumps back to create a nice lawn and sites to build more cabins that even the regulations allowed back then. We now hear lawn mowers!!! every weekend. If you want to show an extreme example of how to ruin our natural setting ( and the value of surrounding properties ) by all means come out and take some photos.

This bylaw is far too strict and is set to torment or punish everyday cottagers because of the actions of a few millionaires. The township is going too far and should redact this endeavor. The council speaks about this like it's a nuclear disaster. However very few reasons exist for this law. Scrape both proposals.

**Opposition to the Revised By-Law Draft: Advocating for Balanced Property Rights**

1. **Overly Restrictive Nature of the By-Law** The revised draft by-law's stringent restrictions on tree removal and vegetation management still fail to accommodate the everyday needs of cottage owners. Current exemptions for minor landscaping are too limited, affecting common maintenance tasks. Activities such as planting flowerbeds or installing small garden features are overly restricted, not reflecting the minimal landscaping needs of property owners.
2. **Insufficient Exemptions for Existing Properties** The draft's exemptions for existing properties are too restrictive. Property owners should have the flexibility to manage and maintain their properties without needing prior approval for routine activities. The by-law should differentiate between major projects and routine upkeep, allowing minor activities like grass cutting and basic landscaping to proceed without stringent requirements.
3. **Need for Broader Exemptions** The by-law should include broader exemptions for:
  - a. **Routine Maintenance:** Allow necessary upkeep and minor enhancements, including lawn care such as grass cutting, without complex approvals.
  - b. **Property Appearance:** Permit aesthetic improvements, such as decorative features and minor landscaping adjustments, without undue restrictions.
  - c. **Utility Installation and Satellite Signals:** Exempt activities related to utility installations and improvements to satellite signals obstructed by trees, essential for modern living.
  - d. **Unsafe Trees:** Allow removal of leaning or unsafe trees without a permit, addressing immediate safety risks promptly.
4. **Addressing Grass Cutting and Lawn Maintenance** The by-law should explicitly permit grass cutting and other routine lawn care activities to avoid ambiguity and ensure property owners can manage their lawns effectively.
5. **Balance Between Preservation and Property Rights** The by-law's focus on tree preservation should be balanced with property owners' rights. It should prevent large-scale deforestation but allow property owners to manage their land to ensure preservation while accommodating practical needs.
6. **Addressing Broader Environmental Concerns** In addition to tree and shoreline preservation, the by-law should consider other environmental threats, such as beaver damage to waterfronts, which may have a more significant impact than individual tree removals.

**Recommendation for Revision**

To better balance property needs and environmental protection, we recommend further revising the by-law to:

- Include broader exemptions for routine maintenance and minor improvements, such as grass cutting and removal of unsafe trees without a permit.
- Differentiate between major construction and routine upkeep.
- Include provisions for utility installations and improvements to satellite signals obstructed by trees.
- Address broader environmental concerns like beaver damage.

**Additional Considerations:**

- **Application Process:** Define specific timeframes for processing applications and clarify how exemption requests will be handled in relation to building permits.

**Appendix B: Log of Written Questions and Comments from Township Website**

- Use of Proceeds: Specify how proceeds from the by-law will be used, including for enforcement, staffing, and administrative costs.
- Staffing Needs: Outline plans for additional staffing or resources needed for effective implementation and enforcement.
- Permit Integration: Clarify whether the exemption process will be integrated with other permits or handled separately.

Conclusion: While the draft by-law's intention to protect trees and shoreline vegetation is important, its current restrictions are too limiting. A more balanced approach that accommodates routine property needs while preserving environmental values will serve both ecological and property management interests effectively.

I attended the virtual consultation on Aug 22 and strongly agree with the majority of the comments made. I believe the current draft of the tree preservation by law contains language which will result in unintended consequences. The permissible actions in the 7.5m shoreline zone are far too narrow and not sufficiently clear. Almost all property owners have a section of their shoreline that is not in an unaltered and natural state. As written, I believe the by-law prohibits maintaining this section of property in that state, by banning the cutting of any natural vegetation other than for a few very specific instances related to physical structures. This means that land currently cleared for the purposes of a view to the water cannot be maintained. I don't believe that is the intention of Council. A view to the water is one of the most valued aspects of waterfront property. I believe a partial restriction, as suggested during the consultation and implemented in other municipalities would be a better option. I am also concerned about the additional costs (and ultimately higher taxes) associated with administering a complex set of by-laws which would require permits for commonly practiced land maintenance.

I just want to say that many people commented on not being able to see the water from their cottage once trees grow. I would suggest that you don't cut down trees but trim them and create a window view of the water. We need to have the ribbon of life to protect the water quality. Please emphasize the Ribbon of Life to protect the water quality.

This is definitely an overstep of authority. No one comes up to Georgian bay to clear cut their land. If I want a tree to come down, I should be able to cut it down. If I have a drainage problem, I should be able to address it. Politicians just making life more difficult residents, never mind costs involved for property owners. Next election I will be voting against any Politicians that support this.

My feedback remains that any site alteration concerns should reside inside the existing zoning bylaws, which can easily be amended for the few changes that might be required. In particular, here are areas we do not support, or that are not sufficiently exempted:

1. Waterfront properties
  - a. The premiums paid for buildings on and near the water are because people universally enjoy views of the water and proximity to such. In that regard, and in particular the tree bylaw, the Township appears to be trying to set up a situation where a cottager is unable to establish or maintain their views of the water. We find this unacceptable, and our expectation is that it is enshrined in the bylaws (should you choose ignore our request to simply stop this process) that cottagers have the right and privilege to maintain waterfront views they alone find acceptable. This is not in the Townships purview, or really is any of its business.
2. Water access cottaging
  - a. The bylaws simply ignore the realities of water access cottaging. References to things like "building a path not more than 6.5' wide" are completely untenable when regarding the realities of water access cottaging. We use the waterfront, as previously noted in our earlier feedback, as our road and driveway in addition to recreational activities. We deliver materials, manage equipment, and do all the other requirements of property upkeep from the water. Where a road access cottage can do this from the rear of their property, we are unable to do that. As a result, we require the ability to flatten lands, build driveways and roads, storage buildings and material handling and management locations. This must be recognized in the bylaw, should you choose to continue to pursue them.
  - b. Contractor access to the water in Wood's Bay remains a high priority and challenge, and we would guide the Township to spend time looking at solutions to address this key issue.

---

**Appendix B: Log of Written Questions and Comments from Township Website**

3. Lighting

- a. We would suggest a more appropriate place to enhance and enforce bylaws is in cottage lighting. If we are trying to manage the Township as a more wilderness friendly environment, then managing cottage lighting would be both useful and I believe welcome. Here are some thoughts:
  - i. Ban any permanent building “downlighting” or “feature” lighting intended solely to light the building up for viewing
  - ii. Ban any permanent large area lighting within x metres of the shoreline.
  - iii. Ensure any outside lighting is downward facing with as little scatter as possible.
  - iv. Ban any permanent lighting on all night within x metres of the shoreline
  - v. If you need to know what should be avoided, tour Lake Muskoka at night. Every building is lit up like a Christmas tree, so there is no sense of nature.

4. Insertion of the “Manager” as the authority

- a. I have copied below the process by which the Manager becomes the sole authority of getting a permit to remove trees. I note the number of requirements one must meet, and a large number of areas where the Manager could (and one would reasonably expect to) withhold approval. These vague areas include soil erosion, healthy vegetation, fish or wildlife habitat and of course the typical reference to endangered species, etc.
- b. These are very vague areas, open to disagreement, and the process is fraught with opportunities for legal redress.

**Appendix C: Log of Written Questions and Comments by Email**

## Cale Henderson

---

**From:** Jackie Koza [REDACTED]  
**Sent:** August 12, 2024 9:44 PM  
**To:** Cale Henderson  
**Cc:** David Ashley - CouncillorWard4A; Alice Barton - CouncillorWard4B; Rick Zanussi - CouncillorWard4C; Bert Liverance - Reeve; John Hayes  
**Subject:** Tree By-law

To whom it may concern,

Cully and I appreciate that the revised tree by-law addresses some of the concerns that people had with site alteration but we feel in particular that the area within 25' of the high water mark is still too restrictive. We feel strongly believe that the majority of Georgian Bay cottagers are capable of making reasonable decisions around the maintenance, site lines and accessibility of their property with sensitivity to the environment and the natural beauty which the cottage community treasures. We feel policing this bylaw as it is would be an unnecessary expense to both the cottage owners and the township and has the potential to create bad will among the cottage community.

Please consider reviewing this proposal and revising it.

Kind Regards, Jackie and Cully Koza

## Cale Henderson

---

**From:** Scott Sheard - CouncillorWard3B  
**Sent:** August 12, 2024 12:56 PM  
**To:** Rosemarie Bata  
**Cc:** Earl Manners - CouncillorWard3A; Cale Henderson; Rosemarie Blyth  
**Subject:** Re: Tree protection by-law proposal  
**Attachments:** Revised Draft Site Alteration & Tree Preservation Bylaw Pictogram.png; Revised Draft Site Alteration & Tree Preservation Bylaw 2.png

Rosemarie, I hope this finds you well and enjoying your summer!

Thank you for contacting me and your opinion is important to us. I've taken care to copy Councillor Earl Manners and our Director of Planning & Environment, Cale Henderson on this response.

The Township is holding a second round of community consultation this month. In fact, there is an in-person consultation meeting at the Pointe au Baril Community Centre tomorrow between 2pm to 4pm where Staff will brief the community on the revised DRAFT Site Alteration and Tree Preservation Bylaw and engage in consultation with the community. There is also a virtual meeting scheduled for Thursday, August 22<sup>nd</sup> at 6pm and the enrolment link is the following:

[https://us02web.zoom.us/webinar/register/WN\\_28YazBO1RDy-17Kgl6iHVg#/registration](https://us02web.zoom.us/webinar/register/WN_28YazBO1RDy-17Kgl6iHVg#/registration)

I would like to take the opportunity to acknowledge your concerns, and reassure you that the DRAFT bylaw does indeed allow property owners to maintain their properties as they do today. Your concerns are expressly addressed by the revised DRAFT bylaw and I've provided a pictogram displaying what can and cannot be done. The attachments are quite clear in clarification and a handy reference.

Our friends and neighbours have identified clear-cutting of properties as a concern and this bylaw provides the Township with the tools to prevent this and remedy those that ignore it.

On another note, pardon the pun, Earl and I write to the community regularly through our newsletter. We extensively commented on the bylaw last year and throughout this year. Should you wish to receive it, please confirm in reply to this email.

I'd be happy to chat by phone and please reach out when convenient.

Kind regards,

*Scott*

*T. Scott Sheard*  
Councillor Ward 3B  
**Township of The Archipelago**  
Tel: [REDACTED]



[www.thearchipelago.ca](http://www.thearchipelago.ca)

---

**From:** Rosemarie Bata [REDACTED]  
**Sent:** August 12, 2024 10:02 AM  
**To:** Scott Sheard - CouncillorWard3B [REDACTED]  
**Cc:** Rosemarie Blyth [REDACTED]  
**Subject:** Tree protection by-law proposal

Dear Councillor,

While I'm all for efforts to preserve PaB's environment, the proposed tree protection by-laws are far too broad.

Perhaps better to focus on specific types of trees and/or healthy trees of a certain size.

Imagine that you had a cottage constructed in full compliance with the existing by-laws and a wind-borne seedling takes root right in front of it... or in a place that would eventually threaten your cabin or deck. As proposed, you wouldn't have the right to remove it!

The same applies to old and/or ailing trees that are leaning over (compliant) structures and could be toppled by the wind or a storm.

Best,

Rosemarie Bata  
Shawanaga A106

## Cale Henderson

---

**From:** Scott Sheard - CouncillorWard3B  
**Sent:** August 12, 2024 2:47 PM  
**To:** Honor Ireland  
**Cc:** Earl Manners - CouncillorWard3A; Cale Henderson  
**Subject:** Re: Tree Protection and Site Alteration

Honor, I hope this finds you well and enjoying summer.

Earl and I thank you for your input, as does our excellent planning team. I've copied Cale Henderson, our Director of Planning & Environment on your email for the public record.

We would appreciate knowing what part of the DRAFT Site Alteration & Tree Preservation Bylaw is your primary concern. It helps us to draft policy with the knowledge of where it works and where it doesn't work for our residents. The intent is to allow bylaw abiding residents to manage their properties as they do today, but provide tools and remedies for egregious development that threatens our area.

Appreciate your feedback,

Earl & Scott

*T. Scott Sheard*  
Councillor Ward 3B  
**Township of The Archipelago**  
Tel: [REDACTED]



[www.thearchipelago.ca](http://www.thearchipelago.ca)

---

**From:** Honor Ireland [REDACTED]  
**Sent:** August 12, 2024 12:22 PM  
**To:** Scott Sheard - CouncillorWard3B [REDACTED] Earl Manners - CouncillorWard3A  
[REDACTED]  
**Subject:** Tree Protection and Site Alteration

Dear Scott and Earl,


I was hoping to be at the meeting tomorrow to discuss the Tree Protection and Site Alteration proposal, but am unable to go in person or online.

Please know I am strongly against the proposal. As an archipelago lover and land owner I do not feel that these bylaws are in the best interest of the bay or the taxpayers.



I vote NO!!

Thank you,

Honor Ireland  


Sent from my iPhone

## Cale Henderson

---

**From:** Hogarth, John <[REDACTED]>  
**Sent:** August 13, 2024 10:23 AM  
**To:** Cale Henderson  
**Cc:** David Ashley - CouncillorWard4A; Alice; Rick Zanussi - CouncillorWard4C; Bert Liverance - Reeve; John Hayes [REDACTED]  
**Subject:** TOA Draft Site Alteration and Tree Preservation - bylaw still much too restrictive

Hi

I am unable to attend meetings, so am writing in again to state my strong opposition to this bylaw proposal.

My family and I have been strong supporters of conservation for generations now.

You're revised draft bylaws are addressing some concerns raised by the first draft. But the 7.5m from high water mark proposed regulations are way too restrictive. (This whole issue has been brought on by excessive clearing by a very few people, some of whom were fined). Most of us will keep some clear access to the water, but otherwise promote growth and restoration of flora and fauna throughout Georgian Bay, and beyond. In this sparsely populated area that is mostly crown land should we require the bureaucracy of permits for the most minor things such as clearing wider paths to the water (which many families with children and elderly will require), and restoring a swimming or picnic area by the water on private land? One of the worst knock on effects of this overreach is that it opens up an ability for neighbours to war with one and other over perceived transgressions of the bylaw. This kind of fodder attracts certain people to irritate and waste the time of our local governments, which we have seen all too much.

I propose this bylaw should be scrapped. At a minimum it must be made much less restrictive. Perhaps it should only apply to large scale clearing as this was the catalyst behind this proposed bylaw, where some existing fines were applied successfully.

Best, John

**John Hogarth, FCSI | Senior Wealth Advisor | Portfolio Manager**

**Scotia Wealth Management™ | ScotiaMcLeod®, a division of Scotia Capital Inc. | Scotia Wealth Insurance Services Inc.**

Hogarth Advisory Group

95 St Clair Ave W, Suite 1400, Toronto, On, M4V 1N6

T [REDACTED] M [REDACTED] F [REDACTED] Toll Free [REDACTED]

*For more information about Hogarth Advisory Group please visit [www.johnhogarth.com](http://www.johnhogarth.com)*



 **Scotia Wealth Management™**

This e-mail, including any attachments, is confidential and may be privileged and is for the intended recipient(s) only. If received in error, please immediately delete this email and any attachments and contact the sender. Unauthorized copying, use or disclosure of this email or its content or attachments is prohibited. View our [full email disclaimer](#). Please be advised that trading instructions received by e-mail or voicemail will not be acted upon. Please contact your Advisor directly to facilitate a trade in your account.

View important Scotia Wealth Management [disclosures and information](#).

## Cale Henderson

---

**From:** John Hayes [REDACTED]  
**Sent:** August 17, 2024 9:11 AM  
**To:** John Hayes; Cale Henderson  
**Cc:** David Ashley - CouncillorWard4A; Alice Barton - CouncillorWard4B; Rick Zanussi - CouncillorWard4C; Bert Liverance - Reeve  
**Subject:** Re: Archipelago revised tree by-law needs further amendments

Hello all,

Many of you have asked for an update on the in-person town hall in Pointe au Baril this past Tuesday, Aug 13. The meeting was led by a consultant from JL Richards who made a presentation and then fielded questions.

17 attendees made comments at the meeting. Of those, 12 spoke against the by-laws in their current form, 2 were in favour of restrictions similar to those in the by-laws, and 3 made comments that I could not interpret as either pro or con.

The main comments attendees made in support of the by-laws were:

- Protecting the environment for future generations
- Stopping excessive development that ruins the landscape

The main comments attendees made against the by-laws were:

- Minor day-to-day activities such as removing shoreline vegetation are restricted in the text of the by-laws. This does not match the consultant's presentation, which is that day-to-day activities are permitted under an exemption (maintenance and minor landscaping). More on that below.
- The restrictions don't match the geography of the Archipelago where every property is so different as to make the by-laws unreasonable in many instances.
- Enforcement by neighbours' complaints is unfair and will lead to community strife. Enforcement by any other means is impractical.
- Given the challenges, education on how to care for property is more practical than legislation
- There will be unintended consequences that lead to worse environmental outcomes. For example, a property owner may choose to clear multiple unnecessary paths across their property (which is permitted) to permit them to remove some trees within the shoreline allowance (which otherwise is not).
- The by-laws lack definition of what is allowed and is not. One person's "maintenance" could be another person's "destruction of native shoreline vegetation". The structure of the by-laws doesn't help here in that they are written in the negative, meaning that everything is prohibited except what is allowed under an exemption.
- Other townships, such as Georgian Bay, have by-laws with far looser restrictions.

The Township distributed a one page pictograph that included the following summary of the by-law restrictions within the 25' zone:

**"In the shoreline buffer area**, a range of typical day-to-day activities related to the management of trees and vegetation are permitted without any prior approval from the Township. These activities are outlined in the by-law as "exemptions".

# The Two Tree Pre

The Tree Preservati  
and properties zone  
that is closest to the  
beyond the shorelin

If you look at the picture and read the single sentence summary of restrictions, you might think all is well. However, the actual by-law is much more prohibitive than this simplistic presentation sets out.

I had an opportunity to speak with all the councilors in attendance, both before and after the meeting. By and large, their goal is to curtail excessive clear cutting and site alterations while allowing day-to-day cottage activities. However, it did not appear that they had all read the by-laws in sufficient detail to identify all the restrictions that are imposed within the shoreline buffer zone (25' of the high-water mark). They expressed some level of surprise at (and in one case denied) the actual language of the by-law.

**To be clear, the tree by-law says:**

*No person... shall destroy or injure any native shoreline vegetation in an area described in Section 3 of this By-law unless (i) exempted pursuant to Section 5 of this By-law...*

*Where the definition of "Native Shoreline Vegetation" means vegetation (i.e., any woody plant, or contiguous cluster of plants including, but not limited to, trees, shrubs, and hedgerows)... which... are located within 7.5m (25ft.) of the highwater mark of any navigable waterway*

This reads that no property owner can clear any saplings, junipers or other shrubs within 25' of the shoreline without a permit. If this by-law passes, many of us will require a permit every year. Worse yet, the by-law requires you to get a professional arborist opinion to support your application for a permit.

Thanks to those of you who have already sent emails objecting to this overreach. I encourage all of you to do so by emailing:

Cale Henderson, Manager, Development and Environmental Services [REDACTED]

With a cc to:

Councilor David Ashley [REDACTED]  
Councilor Alice Barton [REDACTED]  
Councilor Rick Zanussi [REDACTED]  
Reeve Bert Liverance [REDACTED]

John Hayes [REDACTED]

The Township is hosting a virtual zoom meeting next Thursday, Aug 22 at 6:00 where you can hear the presentation from the Township and voice your concerns. You can register at this link: [Webinar Registration - Zoom](#)

If this email was forwarded to you and you would like to be included in future communications, please send me a note and I will add you to the distribution.

Thanks for your efforts to push back against this excessive regulation.  
John

John Hayes  
[REDACTED]  
[REDACTED]

On Saturday, August 10, 2024 at 03:22:28 p.m. EDT, John Hayes [REDACTED] wrote:

Hello all,

People I've spoken with recently about the tree by-law have expressed frustration that our earlier efforts were not successful in reducing the restrictions that would prohibit removing any woody vegetation within 25' of the high-water mark. One interpretation was that, within a few years, none of us will be allowed a view to the water from our cottage without a permit.

I spoke with Cale Henderson of the Archipelago again on Thursday to ask what more we can do to ensure that our concerns about the by-laws will be addressed. He suggested writing in (again), filling out a web form, talking to our councilors and speaking at the meetings.

If you are not available to attend or speak at the meeting(s), I suggest that you send an individual email. The one we sent last time with 64 names likely didn't carry as much weight as 64 individual emails would. You might want to cover the following points:

- You appreciate and want to protect the environment of Georgian Bay
- You recognize that the revised draft by-laws address some concerns that people had with the first drafts
- The revised draft of the tree by-law is still too restrictive for the area within 25' of the high-water mark. If you have concerns about the site alteration by-law, say that as well.
- Cite an example of something that would be prohibited that is over-reaching, such as any of the ones I set out in the earlier email, (maintaining a view, restoring a swimming area, or clearing a place for seating) or anything that you are concerned about.
- Mention any of the other shortcomings of the by-laws, such as the price of enforcement, the lack of enforceability, the cost of compliance, the density of confusing language, the structure of the by-law that prohibits everything without an exemption, how complaint-based enforcement can lead to bad social outcomes, etc.
- Propose a solution, such as scrapping the by-law(s), or changing them to be less restrictive. One way to make the tree by-law less restrictive, for example, would be to limit the protection of the Native Shoreline Vegetation to a percentage of a property's shoreline. It looks like Georgian Bay township has taken this approach and limited the restriction to 25% of a shoreline while also expressly allowing viewing windows to be maintained.

Give the email a subject line something like: Tree By-law is still too restrictive

Send the email to:

Cale Henderson [REDACTED]

With a cc to:

David Ashley [REDACTED]

Alice Barton [REDACTED]

Rick Zanussi [REDACTED]

Bert Liverance [REDACTED]

John Hayes [REDACTED]

Btw – I'm planning to go to the in-person meeting from 2-4 in Pointe as Baril. If any of you want to boat/carpool, lmk.

Thanks,

John

John Hayes

On Monday, August 5, 2024 at 01:03:42 p.m. EDT, John Hayes [REDACTED] wrote:

Hello all,

You are receiving this email because you asked to be kept up to date on the site alteration and tree preservation by-laws. The latest drafts of these by-laws were posted in May on the Township web site with a goal for implementation this year:

1. Site Alteration by-law [connector \(municipalwebsites.ca\)](https://municipalwebsites.ca)  
➔ Most people I have spoken with do not have significant issues with this by-law. Please let me know if you do.
2. Tree Preservation by-law [connector \(municipalwebsites.ca\)](https://municipalwebsites.ca)  
➔ This revised by-law is highly restrictive. Let's provide feedback to the Township to make sure they understand that it cannot be passed as is.

### **The Revised Tree Preservation By-Law severely restricts your shoreline management**

The tree by-law now divides your property into two areas:

- The interior portion of a property, where only clear-cutting is prohibited. This is a step forward in that it removes many concerns taxpayers had about the earlier draft.
- The shoreline area, which is defined as within 7.5m (25ft) of the high-water mark. In this area, all of the prior restrictions remain, and some new ones are introduced. Specifically, within this zone, you are prohibited from destroying or injuring, "any native shoreline vegetation", which includes "any woody plant, or contiguous cluster of plants including, but not limited to trees, shrubs and hedgerows."

The SSCA has published a helpful summary of the revised by-laws: [TOWNSHIP OF THE ARCHIPELAGO PROPOSED SITE ALTERATION & TREE PRESERVATION BY-LAWS BY-LAW REVISIONS BACKGROUNDER 2024-July-22 - Sans Souci and Copperhead Association \(ssca.info\)](https://www.sscainfo.com/2024/07/22/township-of-the-archipelago-proposed-site-alteration-tree-preservation-by-laws-by-law-revisions-background-2024-july-22-sans-souci-and-copperhead-association/)

### **Examples of Overreaching Prohibitions in the Tree By-Law**

After speaking with ToA staff, it appears that the following common scenarios would be prohibited by the draft by-law:

- Imagine that some saplings are growing within 25' of the shore. Over the next few years these will grow to block your view of the water and of your children playing on your dock. For safety as well as aesthetic reasons, you would like to remove these saplings. To do so will require a permit from the township.
- Or let's say your kids used to play in some shallow water near your dock. Now that they have children of their own, you would like to make that same area available to your grandchildren, but it has grown some woody vegetation around the shoreline. The by-laws prohibit you from returning it to its previous state.

- Finally, let's say you want to remove some junipers to clear an outdoor seating area within 25' of the high-water mark. Again, you would need a permit.

I'm sure you can think of lots of other scenarios.

There are exemptions available, such as during construction or for minor landscaping or maintenance. However, it is not clear when these would apply. It's also not clear how these by-laws would be enforced, although it appears that the Township is relying on complaints.

### **The revisions do not address our earlier issues**

The issues we had with the earlier draft tree by-law remain within the shoreline area:

1. The by-law's default position is that all vegetation removal within the shoreline area is against the by-law unless expressly permitted. The list of potential exemptions is virtually endless, but only a few are set out in the by-laws and they are not clear. We believe property owners are in the best position to evaluate whether shoreline vegetation control and removal is reasonable. The change to the by-law that prohibits clear-cutting on interior land is an example of how council has adapted the by-law to this approach. We would like to see clear prohibitions used throughout rather than blanket restrictions and exemptions.
2. The proposed by-laws require taxpayers to engage professionals for assessing tree removal and preparing a report to request a permit. The cost to the landowner to obtain the required site plans or engage the required tree experts is prohibitive and unreasonable. As a result, the proposed by-laws favour wealthy landowners and property developers over others.
3. The by-laws are dense, requiring a high level of investigation by any taxpayer or the hiring of professionals to be confident in their compliance.
4. The complexity leads to another issue, which is that neighbours may disagree with each other's interpretation of the by-law, leading to community strife.
5. We do not support the cost to the community or to the taxpayers of enforcing these by-laws. The earlier version of the by-laws carried an estimated price tag of 4% of the township budget for 2 additional by-law enforcement officers. These scaled down by-laws may cost less to enforce, but there is no estimate currently available.
6. We believe that these by-laws are unlikely to be enforced for the reasons set out above, and that by-laws that are not enforced lead to bad social outcomes.

### **How to make your views known**

The Township is hosting 2 Open Houses to collect public feedback:

1. In-person meeting on August 13 from 2:00-4:00pm at the Pointe au Baril Community Center
2. Zoom meeting on August 22 from 6:00 - 8:00pm. Please register for the Zoom meeting at this link [Webinar Registration - Zoom](#). I plan to make comments at the virtual meeting. You may also want to do so.

There is a comment form where you can register your views: [Public Comment Form Revised Draft Site Alteration and Tree Preservation By-laws \(office.com\)](#)

You can also send your concerns directly to the Township, your councilors and Reeve:

David Ashley [REDACTED]

Alice Barton [REDACTED]

Rick Zanuss [REDACTED]

Bert Liverance [REDACTED]

Cale Henderson [REDACTED]



Like last time, I will draft a communication to the Township and circulate it to you prior to Aug 22<sup>nd</sup> so that you can confirm your continued objections to these excessive regulations.

To respect your privacy, I have bcc'ed everyone. Please forward it to anyone who you think would like to be kept informed.

Thanks  
John

John Hayes

[REDACTED]

[REDACTED]

## Cale Henderson

---

**From:** [REDACTED]  
**Sent:** August 18, 2024 9:33 PM  
**To:** Cale Henderson  
**Subject:** Site Alteration and Tree Preservation By-Law Comments  
**Attachments:** TOA By-law feedback.pdf

Hi Cale,

I am not able to attend any of the meetings in the letter I received, so I've put some comments in the attached PDF file.

If your office does not allow the opening of attachments, let me know and I can reformat in e-mail text form.

If you have any questions, please let me know.

Regards,  
Andrew Sixt

## Site Alteration By-Law Comments

Section	Comments
10. PENALTY	<p>Consider adding text that the fines will be indexed to inflation as using the Bank of Canada inflation calculator, on January 1st of each year, from the date this by-law came into effect.</p> <p>The fines for some are just a cost of building what they want. Indexing would at least prevent their impact diminishing over time.</p>

General Comment

- When building permits are being applied for, should only be issued if they need to follow the intent of this bylaw.

## Tree Preservation By-Law Comments

Section	Comments
5. EXEMPTIONS FROM APPLICATION OF BY-LAW (iv)	<p>Creating an automatic exemption where solar panels are involved is providing a convenient way to be exempted from this by-law. The way that this reads, a person could put a solar panel or large array on their property and then proceed to clear cut so there are no obstructions from sunrise to sunset. Then, once the trees are gone, the panels might get removed.</p> <p>Hear are ideas for consideration that I think could address abuse:</p> <ul style="list-style-type: none"> <li>• If 150m or more from a shoreline, limit the cleared area to one 0.1 ha clearing. All other situations would require a permit and approval form the Manager.</li> <li>• Implement what I have below for “5. EXEMPTIONS FROM APPLICATION OF BY-LAW (vii)”. The intent of this approach is to have roof mounted panels that take advantage of the area already cleared for and around a building. Roof mounting would be much more aesthetic when viewed from the shoreline, than stand alone.</li> </ul>
5. EXEMPTIONS FROM APPLICATION OF BY-LAW (vii)	<p>Adding text for the building context as well, like what is said for driveways.</p> <p>For example “.....more than 1.0m (3ft) from the edge of the driveway <b>or 7m (23 ft) from a building perimeter.</b>”</p>
11. PENALTY	(same comment as for the Site Alteration By-Law, #10 text)

General Comment

- When building permits are being applied for, should only be issued if they need to follow the intent of this bylaw.

## Cale Henderson

---

**From:** Hatcher, Stuart [REDACTED]  
**Sent:** August 19, 2024 8:43 AM  
**To:** John Hayes; Cale Henderson  
**Cc:** David Ashley - CouncillorWard4A; Alice Barton - CouncillorWard4B; Rick Zanussi - CouncillorWard4C; Bert Liverance - Reeve  
**Subject:** RE: Archipelago revised tree by-law needs further amendments

I am in agreement with John Hayes, that this bylaw needs further amendments.  
Regards,

**Stuart T. Hatcher**  
Investment Advisor  
CIBC Wood Gundy  
181 Bay Street, Suite 600  
Toronto, Ontario M5J 2T3  
Tel: [REDACTED]  
Email : [REDACTED]



**Our purpose: To help make your ambition a reality**

This message, including attachments, is confidential and may be privileged. If you received this in error, please notify me by reply email and delete this message. Thank you.

This information, including any opinion, is based on various sources believed to be reliable, but its accuracy cannot be guaranteed and is subject to change. CIBC and CIBC World Markets Inc., their affiliates, directors, officers and employees may buy, sell, or hold a position in securities of a company mentioned herein, its affiliates or subsidiaries, and may also perform financial advisory services, investment banking or other services for, or have lending or other credit relationships with the same. CIBC World Markets Inc. and its representatives will receive sales commissions and/or a spread between bid and ask prices if you purchase, sell or hold the securities referred to above. © CIBC World Markets Inc. 2024.

---

**From:** John Hayes <jhayes@rogers.com>  
**Sent:** Saturday, August 17, 2024 9:11 AM  
**To:** John Hayes <jhayes@rogers.com>; Cale Henderson <chenderson@thearchipelago.ca>  
**Cc:** David Ashley - CouncillorWard4A <dashley@thearchipelago.ca>; Alice Barton - CouncillorWard4B <abarton@thearchipelago.ca>; Rick Zanussi - CouncillorWard4C <rzanussi@thearchipelago.ca>; Bert Liverance - Reeve <bliverance@thearchipelago.ca>  
**Subject:** Re: Archipelago revised tree by-law needs further amendments

[EXTERNAL]

---

Hello all,  
Many of you have asked for an update on the in-person town hall in Pointe au Baril this past Tuesday, Aug 13. The meeting was led by a consultant from JL Richards who made a presentation and then fielded questions.

## Cale Henderson

---

**From:** Jennifer Lill [REDACTED]  
**Sent:** August 19, 2024 8:51 AM  
**To:** Cale Henderson  
**Cc:** John Hayes; David Ashley - CouncillorWard4A; Alice Barton - CouncillorWard4B; James Lill; Rick Zanussi - CouncillorWard4C; Bert Liverance - Reeve  
**Subject:** Tree Preservation By Law Feedback

Hello Cale,

I am providing feedback with regards to the updated Tree Preservation By Law. I agree with the prevention of clear cutting, this is an activity that would have a lasting impact on the area. However, I have concerns regarding the restrictions within 25ft of the shoreline. Again, I believe we should be preventing clear cutting of trees (large impact to the area) rather than removing a few grass plants from an existing beach area (minimal impact). Also when you review the Relief section and the requirements to seek exemption, the written report required to would be relatively straight forward for trees. However, a written report on grass plants or juniper bushes would be overcomplicating the situation . I would encourage the team to focus on clear cutting of trees rather than all forms of vegetation.

Best regards  
Jennifer Lill

Sent from my iPhone

## Cale Henderson

---

**From:** Karen Walsh [REDACTED]  
**Sent:** August 19, 2024 3:08 PM  
**To:** Cale Henderson  
**Cc:** David Roffey; David Ashley - CouncillorWard4A; Rick Zanussi - CouncillorWard4C; Bert Liverance - Reeve; Alice Barton - CouncillorWard4B; John Hayes  
**Subject:** Archipelago revised tree by-law is still too restrictive

The revised draft of the tree by-law is still too restrictive for the area within 25' of the high-water mark. It is needless, expensive, and harmful for the cottage community.

Please have this overreach stopped. We are completely for John's recommendations!

Karen Walsh and David Roffey  
Manitou/Sans Souci area cottagers

## Cale Henderson

---

**From:** Chris Goulding [REDACTED]  
**Sent:** August 20, 2024 10:22 AM  
**To:** Cale Henderson  
**Subject:** Site alteration, and tree preservation by law

Hi Cale

It's a beautiful cool day on Georgian Bay!!

Because minor site alteration and tree work is big business in South Archipelago. We are concerned with the direction, these two bylaws are heading and will have a huge negative impact on the local economy.

As you know, our Moon River Métis and the business community asked from the very beginning of this process to be consulted/engaged.

Also, as you know, this has never happened.

Because of this we are wondering what the process will be if we want to appeal the draft bylaws as they are written, if/when council approves these by laws??

Look forward to hearing from you.

Regards, Chris

Sent from my iPhone

## Cale Henderson

---

**From:** David H Young [REDACTED]  
**Sent:** August 19, 2024 4:27 PM  
**To:** Cale Henderson  
**Cc:** David Ashley - CouncillorWard4A; Alice Barton - CouncillorWard4B; Rick Zanussi - CouncillorWard4C; Bert Liverance - Reeve; Hayes John  
**Subject:** Archipelago tree by-law

Cale,

I have been told you are the person to address comments in regards to the Archipelago tree by-law, recently revised. To be upfront about it, I think the idea of making this a law is completely crazy. It is quite simply, a bad law:

- You have created a heavy handed set of rules (for example, you need to hire an arborist to get permission to cut down a juniper bush on your shoreline!!) to solve a problem that doesn't exist. There are perhaps one or two perpetrators of obvious excess in the last 5 years in the entire Archipelago which remains pristine, And you will likely not stop a determined perpetrator! See below.
- There is little way to police this. Likely the only way will be neighbour turning on neighbour... which is not exactly how you want to build a community!
- It is a law that will be flouted by anyone with the means to do so as the Archipelago will not have the means to police and persecute a determined defender. In most cases the offence will not affect the pristine state but will break the letter of the law and offend someone and will be resisted and nothing will be accomplished except massive ill will.
- To be honest, if the need arises for me to cut down trees on my property, I could easily be one of the criminals breaking your law as I will likely continue to do as I have always done without seeking a permit or determining if it is allowed or not. But I am very fortunate. I have no neighbours to check on me. I have the means to defend myself. I can call on experts to back me up if I do get caught. Not everyone is so fortunate. Having a law that I and others like me can ignore but others cannot is an unfair law. An unfair law is a bad law.
- There are much more important issues for the Archipelago and our tax dollars. Water quality, the effects of climate change, fire management to name but a few of the many important issues we face.

Do not revise this law any further. Kill it.

Sincerely,

**David H Young**  
Chair  
The Michael Young Family Foundation



77 Charles St. W.  
Toronto, Ontario M5S 0B2

tel: +1 [REDACTED]  
email: [REDACTED]  
[www.myff.ca](http://www.myff.ca)

**Re: Zoom meeting This thurs.**

wendy lambert [REDACTED]

Wed 8/21/2024 10:30 AM

To: Steve Wark [REDACTED]

Last question:

We are allowed to clear trees thought to put in the bunkie? I mean does the tree preservation by-law prevent that or is it closer to the shore? How many feet closer to shore?

tx

w

On Aug 21, 2024, at 10:26 AM, Steve Wark [REDACTED] wrote:

Good morning Wendy,

You are correct, the setback for a sleeping cabin is governed by the Zoning Bylaw.

The Draft Tree Preservation By-law is designed to include exemptions that would permit the removal of trees that are threatening damage/danger to your property.

I hope this helps answer your questions.

Have a great day,

**Steve Wark**

Planning Coordinator

Township of The Archipelago

Phone: [REDACTED]

Fax: [REDACTED]

E-Mail: [REDACTED]

---

**From:** wendy lambert [REDACTED]

**Sent:** Tuesday, August 20, 2024 2:32 PM

**To:** Steve Wark [REDACTED]

**Subject:** Fwd: Zoom meeting This thurs.

Please see 2 questions below, Cale is away.

Begin forwarded message:

**From:** wendy lambert [REDACTED]

**Subject:** Zoom meeting This thurs.

**Date:** August 20, 2024 at 2:30:40 PM EDT

**To:** Cale Henderson [REDACTED]

Hi Cale,

I am trying to figure out if the meeting on Thurs. re site alteration and tree preservation has anything to do with building bunkies 25 feet from HWM ? ( I think that. Is a separate by-law (Zoning)???)

Also, wondering if you have a tree near waterline that is in danger of falling on boathouse (or similar situation) if this these by-laws being discussed would prevent removal?

Thanks,  
Wendy

Cale Henderson, MCIP, RPP  
Manager of Development and Environmental Services Township of  
The  
Archipelago  
Phone: (705) 746-4243 ext.305  
Fax: (705) 746-7301  
[E-Mail: chenderson@thearchipelago.on.ca](mailto:chenderson@thearchipelago.on.ca)

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

From: wendy lambert [REDACTED]  
Sent: Tuesday, July 9, 2024 11:10 AM  
To: Cale Henderson [REDACTED]  
Subject: Review of its Comprehensive Zoning By-law pursuant to  
Section 34 of the Planning Act.

Hi Cale,

I am writing to inquiry about possible changes regarding "sleeping  
cabins" rules.

We are on Healey Lake near Mactier.

WE have plans in the next few years to build a sleeping cabin, 1  
bedroom with bathroom and are wondering about proposed changes  
to the set back requirements from the high water mark which is  
currently 7.5M.

Is there any proposed changes to this number? If , so what is the  
proposed change?

My Ideal bunkie would be 1 bedroom, 1 bathroom (our septic would  
accommodate this, I have checked), washing machine and hopefully  
a microwave and coffee maker, so people can make their own  
breakfast. (I know the later is not currently allowed, but there some  
questions around this).

Could you please update me as to where the review is at or what it is  
currently proposing (what changes it is leaning towards)?

I have been on the website to review the public meeting info in 2019.  
But am unsure what way the township is leaning?

[https://archipelago2021.municipalwebsites.ca/ckfinder/connector?  
comma](https://archipelago2021.municipalwebsites.ca/ckfinder/connector?comma)  
nd=Proxy&lang=en&type=Files&currentFolder=%2FDOCUMENTS%  
2FPLANNING%2FC  
ZBL%20Review%2F&hash=c245c263ce0eced480effe66bbede6b4d  
46c15ae&fileNam  
e=CZBL\_Information%20Session%20Presentation%20master-2.pdf

Thanks,  
Wendy

## Cale Henderson

---

**From:** Michael Tangney [REDACTED]  
**Sent:** August 22, 2024 9:18 AM  
**To:** Cale Henderson  
**Subject:** Fwd: Draft Site Alteration and Tree Preservation

Good morning Cale

Norma and I sent this e-mail to a number of councillors and Reeve Bert yesterday.

Please mark us as objectors to the proposed bylaw.

Thanks Michael and Norma TANGNEY

Sent from my iPhone

Begin forwarded message:

**From:** Michael Tangney [REDACTED]  
**Date:** August 21, 2024 at 10:59:40 AM EDT  
**To:** David Ashley - CouncillorWard4A [REDACTED]  
**Cc:** bliverance@thearchipelago.ca  
**Subject: Draft Site Alteration and Tree Preservation**

Good Morning David,

Further to our recent discussion with you at the SSCA fundraiser on August 17th....

We have been owners of our island for almost Forty years, and feel we have been excellent careful stewards of our island and the surrounding areas and islands.

We need and want the freedom to control the constantly growing forest and undergrowth that would restrict either our movement or our sight lines on OUR property.

Another major concern is the cost involved to implement this strategy. We don't believe we have any clear indication of what this will mean for our future tax bills.

Who reports infractions to the bylaw if implemented?

We look forward to hearing and being involved in further discussions on your August 22nd Zoom call.

Respectfully Michael and Norma Tangney

## Cale Henderson

---

**From:** Ashley Hilliard [REDACTED]  
**Sent:** August 25, 2024 8:14 PM  
**To:** Cale Henderson  
**Cc:** [REDACTED] wendyhilliard; Mary & John Hamilton  
**Subject:** Site Alteration and Tree Preservation Bylaws

Dear Mr Henderson,

We (Island B517) support these bylaws.

May give the Township some tools to deal with site alteration issues.

As you will recall, we were very concerned with how the owner (developer) proceeded with shoreline and other site work in the case of The Pines.

Owners of islands or lots in this delicate and scenic area, should not expect to be able to do entirely as they please with their land. Reasonable restrictions help preserve the character and beauty for everyone, including future generations, as well as helping minimize damage to the environment that comes with development.

Ashley & Wendy Hilliard

## Cale Henderson

---

**From:** Robert M Spiak [REDACTED]  
**Sent:** August 25, 2024 9:08 AM  
**To:** Cale Henderson  
**Subject:** Tree and Land Preservation

I believe that primary residents should be allowed to take wood from their property as necessary and landscape to their desired property best efforts.

Trees grow all the time. It is more full now than it ever was. It is sustainable on it's own.

Our property is in a valley of rock and we've spent years levelling and re planting trees. Our place would look terrible if those changes in soil levels were not moved around and I can't see giving you piles of money to work on my property.

I also don't believe that the worse cases should not rule the many.

I'm at the limit of my fixed income and the only property owners that would benefit from restrictions is the one's with money to pay for permits.

If our freedom is not allowed I am against any restrictions.

Robert M Spiak  
363 Blackstone-Crane Lake Rd.  
The Archipelago, Ont. P2A0B7  
[REDACTED]

## Cale Henderson

---

**From:** Glen Campbell [REDACTED]  
**Sent:** August 29, 2024 11:49 AM  
**To:** Cale Henderson  
**Cc:** Bert Liverance - Reeve; David Ashley - CouncillorWard4A;  
rick@canadiancontractingservices.com; Alice Barton - CouncillorWard4B  
**Subject:** Tree preservation bylaw - feedback

Cale

I wanted to offer my thoughts on what modifications to the bylaw would help. This reflects numerous interactions with SSCA members and residents, but it is my own view.

I believe that the bylaw as currently drafted, which requires exemptions for property owners to have or maintain their view of the water, will be unacceptable to a large number of cottagers. Our own survey results show this clearly. At the same time, I think the regulation is overly permissive in some areas, and is going to be difficult and expensive to enforce.

My suggestions would be as follows

1) THE BYLAW SHOULD BE TIGHTENED for small (say <0.7 hectares) and sparsely-treed island properties that have fewer than (say) 50 mature (6" plus) trees. Removing any trees from these islands, regardless of their distance from the waterfront, has a large impact on the visual landscape. In those cases (which are relatively few, and not difficult to identify), all tree removal should require an exemption. (Such a rule would also encourage owners to ensure that there are at least 50 trees.)

2) THE BYLAW SHOULD BE RELAXED to permit owners to remove trees and vegetation from directly in front of their cottages. "In front" should be a clearly-defined term -- for example, an area that extends from the two front corners of the cottage to the waterfront, perpendicular to the front of the cottage, or something similar. It would be desirable to ensure that SOME trees and vegetation are maintained in front of cottages, but it would not be easy to construct a clear rule.

3) THE MONITORING AND ENFORCEMENT PROCESS SHOULD BE CHANGED. Most owners should not require an exemption or interaction with staff in most situations. At the same time, we should not be reliant on neighbour complaints to begin enforcement, or regular staff monitoring. One approach would be self-reporting: i.e., to require that any owner removing any mature tree (whether or not an exemption is required) would to send a photo of the affected tree(s) together with the what3words location of the affected tree, and perhaps a photo taken from the water -- at least (say) 2 weeks in advance. If there is no objection, and the tree is either 7.5m back from the water (or directly in front of the cottage) the tree could be removed. If the Township does not require this information, it will be difficult to establish what trees were removed when and why.

Glen

## Cale Henderson

---

**From:** Mary Hamilton [REDACTED]  
**Sent:** August 30, 2024 8:13 PM  
**To:** Cale Henderson  
**Subject:** Re: Site Alteration and Tree Preservation Bylaws

Dear Mr Henderson,

John and Mary Hamilton, owners of Colenso Island B481, support the bylaws concerning Site Alteration and Tree Preservation Bylaws.

We were deeply concerned by the destruction of shoreline property and wet lands by the developer and owner of The Pines. We feel that owners of these islands and contractors need to be responsible for caring for the land while remaining respectful of neighbours views and the diminishing habitats for wild life. Hopefully these by laws will help others in the future protect and preserve the unique beauty of the area from over development and further land distraction.

Sincerely,

John and Mary Hamilton





SANS SOUCI AND COPPERHEAD ASSOCIATION

PO Box 15005 (RPO Heath Yonge) Toronto Ontario M4T 1M1

EMAIL: [contact@ssca.info](mailto:contact@ssca.info) WEBSITE: [www.ssca.info](http://www.ssca.info)

August 30, 2024

Cale Henderson  
Manager of Development and Environmental Services  
Township of the Archipelago  
9 James Street  
Parry Sound, ON P2A 1T4

Cale:

Over the past month, the SSCA has invited its members to complete a brief online survey on the proposed tree preservation bylaw. The objective of the survey was to provide feedback on this bylaw.

We received 68 responses. Respondents provided their names but were assured that their identities would be kept confidential. There were three specific questions (for which the results are summarized on page 2) and an additional open-ended request for additional comments (which are provided on pages 3-8).

Please contact me if you have any questions.

Sincerely

Glen Campbell

President

SURVEY RESPONSES SUMMARY:

Overall, which of these describes your view on the tree preservation bylaw (1 FAR TOO RESTRICTIVE / 2 SOMEWHAT TOO RESTRICTIVE . 3 ABOUT RIGHT / 4 SOMEWHAT TOO PERMISSIVE / 5 FAR TOO PERMISSIVE)	
40	<i>Far too restrictive</i>
12	<i>Somewhat too restrictive</i>
13	<i>About right</i>
3	<i>Somewhat too permissive</i>
0	<i>Far too permissive</i>
<b>68</b>	

1. The bylaw should be loosened to permit the removal of vegetation in front of a cottage (1 DISAGREE STRONGLY... 3 NEUTRAL...5 AGREE STRONGLY)	
4	1
4	2
3	3
15	4
42	5
<b>68</b>	

2. If the bylaw is loosened, there should be restrictions in place to ensure that some trees and vegetation in front of a cottage are not removed (1 DISAGREE STRONGLY...3 NEUTRAL... 5 AGREE STRONGLY)	
28	1
11	2
11	3
7	4
11	5
<b>68</b>	

SURVEY RESPONDENT COMMENTS (UNEDITED):

The bylaw looks like a solution trying to find a problem. I have never seen In my 60 plus year of coming to Georgian Bay the removal of some trees as a serious problem people on the Bay respect the environment. I see little need for this bylaw. The removal of dead or diseased trees ,or trees that cause a threat to buildings or hydro line should not require any approval from the township. I am more concerned about the importation of non native plant species to our area

We need to keep the natural landscape. Blasting and installation of courts or pools should be banned. Re: #1 above. It depends how we define vegetation. If a cottage is shrouded in trees and vegetation, some removal sounds reasonable. Our view of the sunset is blocked by trees but I would never cut them down. I wonder if the size of the island and how forested it is should be taken into consideration. I understand the concern of the bylaw being too restrictive but I tend to err on the side of the natural landscape and worry that if the exceptions are too loose, people will find ways to exploit them. I am new to this issue so may not be aware of all the concerns that others have expressed.

The bylaw is a waste of time and will never be enforced.

There should be no restrictions on the removal of trees or vegetation. This proposed bylaw is completely unnecessary.

These bylaws are not necessary.

Many cottages were built or purchased at a time of very low water levels unaware of the Georgian Bay fluctuations historically from very low to very high.

There should be no restrictions imposed directly in front of cottages.

I am totally opposed to these proposed restrictions.

I think the goal is to prevent the removal of large growths of trees, so something reasonable should be achievable.

Preventing the island scraping, and swaths of the islands from being cleared is critical. Also, mass clearing of islands without cottages should not be perished. However, cleaning and opening views and paths around existing cottages and islands should be permitted.

Cottage owners should be able to do normal landscaping in front of their cottages including the removal of large trees. The by-law as proposed is far too restrictive and will force property owners to apply to the township to make the kinds of alternations that we have been collectively doing for years. This will result in significant bureaucracy and additional costs which will ultimately result in higher taxes for permitting and inspections. This by-law is not needed and has been proposed on the basis of a single incident. There is not a widespread problem.

Far too restrictive

My concern is being allowed to reduce vegetation around our structure in order to lessen to opportunity for wildfire to spread and burn down the house.

To what extent are these new bylaws being directed at developers and builders of new cottages or owners of existing cottages? To what extent have planners of these new bylaws been connecting with our five organizations already designed to PROTECT our unique, local environment? Recent decisions by our staff have favoured "development " over protection. Is principal or profit behind "OUR " proposal?

I believe trees should be saved but small trees and , junipers , scrub should be allowed to be removed.

The number of issues these by-laws present are too numerous to list here. The tree bylaw prohibits cutting of any woody vegetation within 7.5m of the high water mark. Taken literally, that would mean most taxpayers would need a permit to be able to see the water from their cottage within a few short years. Enforcement is intended to be complaint based, which means uneven and unequal enforcement. Best case is they will be largely ignored. That is a bad outcome.

This proposed bylaw is unnecessary and overreaching

As cottage owners and stewards of our land within the Archipelago we are in the best position to determine the appropriate mix of vegetation and rock exposure on our piece of the Bay.

I do disagree with "clear cutting" an entire island. But this bylaw as proposed is micro managing how we are allowed maintain and enjoy views of rock, water and trees from our cottages and outdoor seating areas. And we will have to pay the cost of enforcement of this bylaw with increased TOA staff, permits, consultant opinions and most concerning - the expectation that neighbors will disagree and report perceived infractions.

The bylaw should only apply to clear cutting.

This bylaw aims to strike a balance between protecting our fragile natural environment and an owner's ability to make reasonable alterations to their land.

Without a bylaw an "owner" (developer) can remove shoreline vegetation, alter beaches, cut trees etc - all before even applying to the Township for subdivision or development approvals. We witnessed this in the case of The Pines island in our neighbourhood.

We support this bylaw.

I think this proposed bylaw is crazy. It is heavy handed authoritarian government overreach that will end up pitting Neighbours against each other. It is not necessary.

The bylaw needs to find the right balance between permitting property owners to reasonably remove trees (i.e. ones that could fall on buildings) and vegetation while preserving the environment - riparian borders etc. It also needs to tie in with FireSmart recommendations on reducing fire risk for buildings and not conflict with those recommendations. This will likely require a review of the ability to remove trees and vegetation near buildings to ensure property owners can follow FireSmart recommendations without needing a permit.

I believe that most cottage owners have like minded and responsible stewardship towards preserving the natural aesthetic of the Bay including the shoreline. People should be able to remove trees to enjoy their view, waterfront, and provide easy access to their property.

I think that if everyone is reasonable there should not be any issues, especially when there are allowances for path access and clearance in the present proposed by-law. I do not agree with some people who want to clear their rocks of all vegetation for aesthetic purposes.

We should be focused on preventing clear cutting of trees on all parts of the property. Removing plants close to the water (ie grass from a beach) should not be a concern.

The survey is not a valid way of getting feedback. The multiple choice questions can and have been drafted to be self serving to those that crafted the survey. These blunt input from the receiver and channel criticism in an unfair and inaccurate manner!!

While we are opposed to this by-law in general, any by-law in this regard should be limited to only trees above a certain trunk diameter in width, ie above 8-10 inches in diameter, 12 inches above ground.

This sort of by-law infringes on the rights of private individuals, private property owners.

The township bylaws, even as revised, are too restrictive. The tree bylaw is entirely unnecessary and should be dropped. The site bylaw key points can, and should, be included in the existing zoning bylaws which already regulate setbacks and other key building guidelines.

While I am 100% for the preservation of natural vegetation I disagree in principle with these bylaws. We live on islands in Georgian Bay. It seems there is now no place where we are truly free to do as we please. We pay an exorbitant amount in taxes for no services. If I want to have a beach to enjoy my island I do not think it is reasonable I would not be able to. What will be next? Limiting the amount of water we take from the Bay for personal consumption. I completely disagree with these bylaw changes.

The Ministry of Environment ( the MOE) and the Ministry of Natural Resources already have restrictions in place. For eg The MNR can be called upon for approvals and for support. Correct? If for eg a neighbor is in violation of harming shoreline vegetation outside of the MNR rules working near or around the water a call to the MNR can result in a stop order of sorts. Correct? I am concerned these proposed bylaws are in addition to what is already in place and are not necessarily in keeping with the individual rights of a property owner. Is this a mandate the township has and can the township move forward without a concensus? I would argue these proposed by laws need to be reconsidered. Instead more education and more workshop opportunities on how to best protect the Bay and how to become good stewards of the land can achieve positive results without restricting owners on what they can do on their own property. An example is many of us have changed our gardening practises because we have learned about what is best for the Bay and what plants are not suitable. We now protect our milk weed plants for the Monarch Butterfly etc. etc. A 'Best Practises on the Bay' or similar for site alteration may be a better next step. The township already has good recommendations in place with visual examples of how to best build pathways and structures while still in keeping with the natural surroundings. Perhaps these site recommendations could be better

circulated to enhance learning. An FAQ on the website and e blast specific to site alteration could be expanded on. Are quick videos being produced for Education, A Care and Control for Cottage Owners Campaign or similar as part of this recommendation? 🤖 I agree more needs to be considered and learned however I am not in favour of the township passing a new bylaw to restrict owners around the removal of vegetation in front of their cottage.

This is a Big Brother document. We don't really need Big Brother to dictate everything to us. Within reason the vast majority of cottage/home owners are here because they love the "nature of it all". Therefore they are their own police men.

A overview emergency policy could include legislation to stop people from denuding their property. Example: can reduce the non-shore line natural vegetation by more than 30% during a 20 year period with out a permit.

The only issue where I think the proposed by-law is too lax is for trees that could damage an existing structure (cottage or shed) or septic bed or pose a human risk. Determining when a tree "poses a threat" is tricky to establish, but in areas of high wind exposure, any westward tree can pose a risk to humans or their structures. I don't have a solution to my comment other than to say that trees on septic beds are harmful.

Access to the water and to a reasonable view should not be impeded by the bylaw. Other municipalities such as the Township of the Archipelago allows 25 % of trees on the shoreline to be removed to facilitate view and water access. Perhaps something similar could be considered. Saying that the no vegetation can be removed except in some very specific and limited circumstances is far too limiting and means that the TOA will be inundated with requests for exemptions. We come to the archipelago to enjoy it including the views from our cottage and seating/access at the waterfront. To make require exemptions for modifications to this is too onerous and will create the need for a bureaucracy that must be funded with tax increases.

I have not followed this issue so I do not understand what instigated the desire to create restrictions. There is an abundance of trees in the archipelago. There are new ones cropping up each year. Should one start up on my property that obstructs a view that I have enjoyed for the last 50 years, I should be able to remove it without restriction.

Also, there are some properties in which the vegetation around the house is overgrown and should be cut back or in some cases removed.

Creating a bureaucracy around such activities seems a step too far.

The original intent of the by-law was to prevent people from significantly altering the landscape of their property. To remove one or two trees and/or some vegetation is not significant unless it is in an environmentally sensitive area, in which case a permit should be required. I believe the ToA needs to

revisit this area of the by-law to avoid unnecessary administration and delays for minor clearing and overall maintenance of owners' properties.

this is way over the top

I feel both of these by-laws are unnecessary and impose a limited aesthetic view that is unrealistic. They impose significant costs on property owners wishing to make alterations to their property for their enjoyment. The added expense of administrating these proposed by-laws will increase costs for ratepayers. Further, they will generate significant costs and delays for anyone wishing to challenge them. Presently the Provincial and Federal Governments provide sufficient protection of the environment.

Native trees such as white pine , white and red cedar , birch and oak should be preserved unless unhealthy or causing a danger to buildings. When making paths these trees should not be removed For those on sparsely treed granite lots/islands it's great to prevent removal of vegetation, however not everyone is blessed with open views... there are many heavily treed properties that lose value without being able to open up/expose some level of view and openness for both aesthetic views but also personal safety where bears can be problematic when sight lines are not available. Completely agree with not allowing any clear cutting except for building permits... however allowing clearing for a sauna but not for a view?.... is a little puzzling 🤔

I feel that we know best what is suitable for our family cottage's landscaping requirements and that the Town should stay out of it. While I agree that clear cutting is not negotiable, most of the cottagers enjoy and respect our landscape and act accordingly, without government interference.

The restrictions should ensure that clear cutting of trees and vegetation inland from the 7.5 meters is not allowed without a permit. No permit should be issued for golf courses

Can't be enforced. Basically depends on neighbours turning on neighbours. Fixing a problem that doesn't need to be fixed. Classic definition of a bad law.

Any rules require enforcement , subjectivity on the part of the enforcers & neighbours complaining which restricts freedom & is incredibly difficult , costly & impossible to enforce . Not sure why limited Township resources & time is being spent on this discussion . What precipitated this concern ? One or two bad apples ... Please advise .

can't even cut weeds? trim wild grasses? no landscaping to suit individual preferences?

Understand no clear cutting but that's all.

I strongly object to getting a permit to cut weeds and/or trim grasses.

No -- don't like this

Enough bylaws !

We are Georgian Bayers. We know how to and have for many, many decades cared for our properties with the highest respect for our surroundings and neighbours. This is too much overreach by a lot!! I like how section 2 says those that already have changed things can keep them. This is a "not in my backyard" bylaw.

Make it apply to all and retroactive.

I strong believe we should all have the ability to prune trees in the path of our views. Including In the limited 7.5 meter by the shore



## Cale Henderson

---

**From:** [REDACTED]  
**Sent:** August 30, 2024 1:23 PM  
**To:** Cale Henderson; Bert Liverance - Reeve; David Ashley - CouncillorWard4A; Rick Zanussi - CouncillorWard4C; Alice Barton - CouncillorWard4B; [REDACTED]  
**Cc:** 'Ann Cuthbertson'; 'Glen Campbell'; 'Colin Kilgour - Kilgour Williams'; 'Heather Sargeant'; 'Jamie Crichton'; Johanne Haans; 'Julia Webster'; 'Karin Barton'; Paul Sine; 'Sue McPhedran'  
**Subject:** WBCA reply to the Township on the revised tree/site bylaws  
**Attachments:** 8-29-24 Andy K bylaw feedback to Township.docx; 1-13-24 WBCA comments-notes on draft bylaw proposals FINAL.docx

Dear Councillors, Reeve, Planner and Consultant:

We have had a chance to review the revised tree/site bylaws.

The WBCA recognizes that, after our initial feedback, changes were made that addressed some of the concerns. We continue to find the bylaws heavy-handed in several aspects, and our association still struggles to understand why these bylaws are required.

Our feedback remains that any site alteration concerns should reside inside the existing zoning bylaws, which can easily be amended for the few changes that might be required.

In particular, here are areas we do not support, or that are not sufficiently exempted:

1. Waterfront properties
  - a. The premiums paid for buildings on and near the water are because people universally enjoy views of the water and proximity to such. In that regard, and in particular the tree bylaw, the Township appears to be trying to set up a situation where a cottager is unable to establish or maintain their views of the water. We find this unacceptable, and our expectation is that it is enshrined in the bylaws (should you choose ignore our request to simply stop this process) that cottagers have the right and privilege to maintain waterfront views they alone find acceptable. This is not in the Townships purview, or really is any of its business.
2. Water access cottaging
  - a. The bylaws simply ignore the realities of water access cottage. References to things like "building a path not more than 6.5'wide" are completely untenable when regarding the realities of water access cottaging. We use the waterfront, as previously noted in our earlier feedback, as our road and driveway in addition to recreational activities. We deliver materials, manage equipment, and do all the other requirements of property upkeep from the water. Where a road access cottage can do this from the rear of their property, we are unable to do that. As a result, we require the ability to flatten lands, build driveways and roads, storage buildings and material handling and management locations. This must be recognized in the bylaw, should you choose to continue to pursue them.
    - i. Contractor access to the water in Wood's Bay remains a high priority and challenge, and we would guide the Township to spend time looking at solutions to address this key issue.
3. Lighting
  - a. We would suggest a more appropriate place to enhance and enforce bylaws is in cottage lighting. If we are trying to manage the Township as a more wilderness friendly environment, then managing cottage lighting would be both useful and I believe welcome. Here are some thoughts:
    - i. Ban any permanent building "downlighting" or "feature" lighting intended solely to light the building up for viewing

- ii. Ban any permanent large area lighting within x metres of the shoreline.
  - iii. Ensure any outside lighting is downward facing with as little scatter as possible.
  - iv. Ban any permanent lighting on all night within x metres of the shoreline
    - 1. If you need to know what should be avoided, tour Lake Muskoka at night. Every building is lit up like a Christmas tree, so there is no sense of nature.
4. Insertion of the “Manager” as the authority
- a. I have copied below the process by which the Manager becomes the sole authority of getting a permit to remove trees. I note the number of requirements one must meet, and a large number of areas where the Manager could (and one would reasonably expect to) withhold approval. These vague areas include soil erosion, healthy vegetation, fish or wildlife habitat and of course the typical reference to endangered species, etc.
  - b. These are very vague areas, open to disagreement, and the process is fraught with opportunities for legal redress.

*“The Township hereby delegates to the Manager the authority to grant a request for an exemption and to impose conditions in accordance with good arboricultural practices. (c) An owner who applies for exemption from this By-law shall submit the following information: (i) A completed application form; (ii) Payment of the required application fees; (iii) A report prepared by a qualified professional which provides a general visual assessment and categorization of the existing trees, sets forth the reasons for the proposed destruction of the trees, confirms that endangered, threatened, or at risk tree species are not present, and shall include recommendations for preservation and protection of any trees to be retained. (d) A decision regarding an application for an exemption shall not be made until such time as all the required documents have been filed, the applicable fee has been paid, and any required inspections have been completed. The Manager shall have the option of not requiring the report noted in Section 7(c)(iii) in special circumstances to be determined at their sole discretion. Upon deeming the application complete, the Manager shall issue a notice to this effect to the Owner by personal service, ordinary mail, or email. (e) The Manager may grant a request for an exemption where the applicant has demonstrated that the proposed injuring of trees and/or native shoreline vegetation is in accordance with good forestry practices and: (i) Will not interfere with natural drainage processes; (ii) Will not result in soil erosion, slope instability, or siltation in a watercourse; (iii) Will not have a significant impact on any healthy vegetation within and adjacent to the subject property; (iv) Will not have a significant impact on fish or wildlife habitat within and adjacent to the subject property; and, (v) Will not be in contravention of the Species at Risk Act, the Endangered Species Act, or the Migratory Birds Convention Act. (f) The Manager, in deciding whether to grant an exemption, may impose such conditions which may include: (i) Requiring that replacement trees be planted. (ii) Requiring that tree cutting work be completed only under the supervision of a qualified professional. (iii) Requirements as to the manner and timing in which injury is to occur. (iv) Requirements as to the species, size, number, and location of trees to be injured.”*

I will also point out that the language used around the removal of trees is inappropriate. A tree is not a sentient being, it is a plant. Uses of words like “injure” or “death” of trees is misplaced, and appears deliberate in framing the point of the issue. This wording should be changed to “cut”, since that is what we are doing with trees.

In closing we again question the amount of time, resources and money that has been expended on this issue. Our recommendation is to stop work on these bylaws immediately.

If there are particular site development issues, the Township can update the zoning bylaws as required and use the permitting process to manage that work. For reference, I am attaching feedback from one of our members already sent, and our own feedback from the first round of these bylaws.

Kind regards,

Reg McGuire  
President, WBCA

September 6, 2024

Via Email:

David Ashley [REDACTED]  
Alice Barton [REDACTED]  
Rick Zanussi [REDACTED]  
Bert Liverance [REDACTED]

Township of Archipelago  
9 James Street  
Parry Sound  
P2A 1T4

Subject: Feedback on Proposed Environmental Regulations for Georgian Bay Islands

Dear Members of the Council,

I am writing to express my concerns regarding the proposed Draft Tree Preservation Bi-Law for island and property owners within the Township of Archipelago. As a long-standing member of the Georgian Bay community and an owner of multiple islands in the area, I would like to share my perspective on this matter.

We all appreciate the importance of preserving the unique environment of Georgian Bay, but the bi-law proposal is overly restrictive and not fully aligned with the principles of responsible stewardship that island owners in our community uphold.

We understand the need for environmental regulations, but we must consider how necessary are these restrictions and the potential burden they may place on island owners. For example, the requirement to engage a tree consulting service for the removal or replacement of even a single tree could create unnecessary expenses and logistical challenges for property owners.

The issues that spurred the enactment of this bi-law, possibly arose as a result of two isolated incidents, not the majority. As such the solution should be proportional and not excessive in nature.

Allow me to share a brief story to illustrate my perspective. About 20 years ago, I purchased an island that was entirely covered in swamp cedar, likely the result of either past fires or the harvesting of white

pine. The island was virtually inaccessible and unsuitable for a cottage. I undertook a long-term reforestation project. Over the past two decades, I have removed hundreds of swamp cedar and cherry trees and have replanted nearly 500 white pines. Today, the island is thriving, with over 50 naturally grown white pine seedlings and a landscape now dominated by native oak and pine.

The proposed regulations do not take into account the unique characteristics of the Township of Archipelago, with its sprawling land and low-density development. Rather than a one-size-fits-all approach, I urge the council to consider a more tailored framework that respects the historic consciousness of our community and promotes sustainable land use practices in a reasonable manner.

The councilor's intentions are sound, but the solution should be to make haste slowly, using a cautious, inclusive approach that allows decision-makers to fully assess the issue and collaborate with island owners for a balanced approach.

In conclusion, I leave the council with this quote for reflection:

*'Don't worry that you are moving slowly. Just be sure of what direction you are moving in.'*

Thank you for your time and consideration.

Sincerely,

A handwritten signature in black ink, appearing to be 'Robert Hay', written over a horizontal line that extends across the page.

Robert Hay

[Redacted contact information]



## Cale Henderson

---

**From:** Jay Daley [REDACTED]  
**Sent:** September 9, 2024 7:07 PM  
**To:** John Hayes  
**Cc:** Cale Henderson; Bert Liverance - Reeve; Alice Barton - CouncillorWard4B; David Ashley - CouncillorWard4A; Rick Zanussi - CouncillorWard4C

**Subject:** Re: Archipelago revised tree by-law needs further amendments

I too am in agreement with John Hayes analysis and commentary against these overreaching by laws.

Jay Daley  
B64

On Sep 9, 2024, at 11:09 AM, John Hayes [REDACTED] wrote:

Hello Reeve Liverance, Councillors Ashley, Barton and Zanussi, Mr. Henderson and Ms Elphick,

I'm writing to register my opposition to the Tree Preservation by-law as drafted in May of this year.

You have heard from many in the community who oppose this by-law:

- At the in-person Town Hall on August, 12 attendees spoke against the by-laws versus 2 in support.
- At the virtual town hall later in the month, 9 people commented against the by-law. None spoke in favour.
- The SSCA ran a survey and received input from 68 members. Of those, 76% said the tree preservation by-law was either far too restrictive (59%) or somewhat too restrictive (17%).
- Many taxpayers have written to you individually to register their objections to the by-law.

## Cale Henderson

---

**From:** John Hayes [REDACTED]  
**Sent:** September 9, 2024 11:10 AM  
**To:** Cale Henderson; John Hayes; Bert Liverance - Reeve; Alice Barton - CouncillorWard4B; David Ashley - CouncillorWard4A; Rick Zanussi - CouncillorWard4C;

**Subject:** Re: Archipelago revised tree by-law needs further amendments

Hello Reeve Liverance, Councillors Ashley, Barton and Zanussi, Mr. Henderson and Ms Elphick,

I'm writing to register my opposition to the Tree Preservation by-law as drafted in May of this year.

You have heard from many in the community who oppose this by-law:

- At the in-person Town Hall on August, 12 attendees spoke against the by-laws versus 2 in support.
- At the virtual town hall later in the month, 9 people commented against the by-law. None spoke in favour.
- The SSCA ran a survey and received input from 68 members. Of those, 76% said the tree preservation by-law was either far too restrictive (59%) or somewhat too restrictive (17%).
- Many taxpayers have written to you individually to register their objections to the by-law.

These inputs clearly demonstrates that the community does not support the Tree Preservation by-law as drafted. The feedback has been so overwhelmingly negative that it is hard to see how a democratically elected council can pass any form of this by-law.

However, if you insist on passing something, please consider easing the restrictions in the first 7.5m from the high water mark. The Township of Georgian Bay has set an example of how you might do so:

- Apply the restrictions to 75% of a shoreline rather than 100%; and
- Permit viewing windows to be cut through trees; and
- Remove the requirement to get a professional opinion to qualify for the good arboricultural or good forestry practice exemptions.

I have copied people on this email who have asked to be kept informed of the progress of these by-laws. Many of them have already written to you individually expressing a wide range of reasons for scrapping or radically amending this by-law, which are summarized in the emails below. I urge you to consider the input from these constituents to be as valuable as that of the quiet few who appear to be driving this initiative.

Thank you,  
John

John Hayes

[REDACTED]

[REDACTED]

On Saturday, August 17, 2024 at 09:10:49 a.m. EDT, John Hayes [REDACTED] wrote:

Hello all,

Many of you have asked for an update on the in-person town hall in Pointe au Baril this past Tuesday, Aug 13. The meeting was led by a consultant from JL Richards who made a presentation and then fielded questions.

17 attendees made comments at the meeting. Of those, 12 spoke against the by-laws in their current form, 2 were in favour of restrictions similar to those in the by-laws, and 3 made comments that I could not interpret as either pro or con.

The main comments attendees made in support of the by-laws were:

- Protecting the environment for future generations
- Stopping excessive development that ruins the landscape

The main comments attendees made against the by-laws were:

- Minor day-to-day activities such as removing shoreline vegetation are restricted in the text of the by-laws. This does not match the consultant's presentation, which is that day-to-day activities are permitted under an exemption (maintenance and minor landscaping). More on that below.
- The restrictions don't match the geography of the Archipelago where every property is so different as to make the by-laws unreasonable in many instances.
- Enforcement by neighbours' complaints is unfair and will lead to community strife. Enforcement by any other means is impractical.
- Given the challenges, education on how to care for property is more practical than legislation
- There will be unintended consequences that lead to worse environmental outcomes. For example, a property owner may choose to clear multiple unnecessary paths across their property (which is permitted) to permit them to remove some trees within the shoreline allowance (which otherwise is not).
- The by-laws lack definition of what is allowed and is not. One person's "maintenance" could be another person's "destruction of native shoreline vegetation". The structure of the by-laws doesn't help here in that they are written in the negative, meaning that everything is prohibited except what is allowed under an exemption.
- Other townships, such as Georgian Bay, have by-laws with far looser restrictions.

The Township distributed a one page pictograph that included the following summary of the by-law restrictions within the 25' zone:



**“In the shoreline buffer area,** a range of typical day-to-day activities related to the management of trees and vegetation are permitted without any prior approval from the Township. These activities are outlined in the by-law as “exemptions”.

# The Two Tree Pre

The Tree Preservati  
and properties zone  
that is closest to the  
beyond the shorelin

If you look at the picture and read the single sentence summary of restrictions, you might think all is well. However, the actual by-law is much more prohibitive than this simplistic presentation sets out.

I had an opportunity to speak with all the councilors in attendance, both before and after the meeting. By and large, their goal is to curtail excessive clear cutting and site alterations while allowing day-to-day cottage activities. However, it did not appear that they had all read the by-laws in sufficient detail to identify all the restrictions that are imposed within the shoreline buffer zone (25' of the high-water mark). They expressed some level of surprise at (and in one case denied) the actual language of the by-law.

**To be clear, the tree by-law says:**

*No person... shall destroy or injure any native shoreline vegetation in an area described in Section 3 of this By-law unless (i) exempted pursuant to Section 5 of this By-law...*

*Where the definition of "Native Shoreline Vegetation" means vegetation (i.e., any woody plant, or contiguous cluster of plants including, but not limited to, trees, shrubs, and hedgerows)... which... are located within 7.5m (25ft.) of the highwater mark of any navigable waterway*

This reads that no property owner can clear any saplings, junipers or other shrubs within 25' of the shoreline without a permit. If this by-law passes, many of us will require a permit every year. Worse yet, the by-law requires you to get a professional arborist opinion to support your application for a permit.

Thanks to those of you who have already sent emails objecting to this overreach. I encourage all of you to do so by emailing:

Cale Henderson, Manager, Development and Environmental Services [REDACTED]

With a cc to:

Councilor David Ashley [REDACTED]  
Councilor Alice Barton [REDACTED]  
Councilor Rick Zanuss [REDACTED]  
Reeve Bert Liverance [REDACTED]

John Hayes [REDACTED]

The Township is hosting a virtual zoom meeting next Thursday, Aug 22 at 6:00 where you can hear the presentation from the Township and voice your concerns. You can register at this link: [Webinar Registration - Zoom](#)

If this email was forwarded to you and you would like to be included in future communications, please send me a note and I will add you to the distribution.

Thanks for your efforts to push back against this excessive regulation.  
John

John Hayes  
[REDACTED]  
[REDACTED]

On Saturday, August 10, 2024 at 03:22:28 p.m. EDT, John Hayes [REDACTED] wrote:

Hello all,

People I've spoken with recently about the tree by-law have expressed frustration that our earlier efforts were not successful in reducing the restrictions that would prohibit removing any woody vegetation within 25' of the high-water mark. One interpretation was that, within a few years, none of us will be allowed a view to the water from our cottage without a permit.

I spoke with Cale Henderson of the Archipelago again on Thursday to ask what more we can do to ensure that our concerns about the by-laws will be addressed. He suggested writing in (again), filling out a web form, talking to our councilors and speaking at the meetings.

If you are not available to attend or speak at the meeting(s), I suggest that you send an individual email. The one we sent last time with 64 names likely didn't carry as much weight as 64 individual emails would. You might want to cover the following points:

- You appreciate and want to protect the environment of Georgian Bay
- You recognize that the revised draft by-laws address some concerns that people had with the first drafts
- The revised draft of the tree by-law is still too restrictive for the area within 25' of the high-water mark. If you have concerns about the site alteration by-law, say that as well.
- Cite an example of something that would be prohibited that is over-reaching, such as any of the ones I set out in the earlier email, (maintaining a view, restoring a swimming area, or clearing a place for seating) or anything that you are concerned about.
- Mention any of the other shortcomings of the by-laws, such as the price of enforcement, the lack of enforceability, the cost of compliance, the density of confusing language, the structure of the by-law that prohibits everything without an exemption, how complaint-based enforcement can lead to bad social outcomes, etc.
- Propose a solution, such as scrapping the by-law(s), or changing them to be less restrictive. One way to make the tree by-law less restrictive, for example, would be to limit the protection of the Native Shoreline Vegetation to a percentage of a property's shoreline. It looks like Georgian Bay township has taken this approach and limited the restriction to 25% of a shoreline while also expressly allowing viewing windows to be maintained.

Give the email a subject line something like: Tree By-law is still too restrictive

Send the email to:

Cale Henderson [REDACTED]

With a cc to:

David Ashley [REDACTED]

Alice Barton [REDACTED]

Rick Zanussi [REDACTED]

Bert Liverance [REDACTED]

John Hayes [REDACTED]

Btw – I'm planning to go to the in-person meeting from 2-4 in Pointe as Baril. If any of you want to boat/carpool, lmk.

Thanks,

John

John Hayes

On Monday, August 5, 2024 at 01:03:42 p.m. EDT, John Hayes [REDACTED] wrote:

Hello all,

You are receiving this email because you asked to be kept up to date on the site alteration and tree preservation by-laws. The latest drafts of these by-laws were posted in May on the Township web site with a goal for implementation this year:

1. Site Alteration by-law [connector \(municipalwebsites.ca\)](https://municipalwebsites.ca)  
➔ Most people I have spoken with do not have significant issues with this by-law. Please let me know if you do.
2. Tree Preservation by-law [connector \(municipalwebsites.ca\)](https://municipalwebsites.ca)  
➔ This revised by-law is highly restrictive. Let's provide feedback to the Township to make sure they understand that it cannot be passed as is.

### **The Revised Tree Preservation By-Law severely restricts your shoreline management**

The tree by-law now divides your property into two areas:

- The interior portion of a property, where only clear-cutting is prohibited. This is a step forward in that it removes many concerns taxpayers had about the earlier draft.
- The shoreline area, which is defined as within 7.5m (25ft) of the high-water mark. In this area, all of the prior restrictions remain, and some new ones are introduced. Specifically, within this zone, you are prohibited from destroying or injuring, "any native shoreline vegetation", which includes "any woody plant, or contiguous cluster of plants including, but not limited to trees, shrubs and hedgerows."

The SSCA has published a helpful summary of the revised by-laws: [TOWNSHIP OF THE ARCHIPELAGO PROPOSED SITE ALTERATION & TREE PRESERVATION BY-LAWS BY-LAW REVISIONS BACKGROUNDER 2024-July-22 - Sans Souci and Copperhead Association \(ssca.info\)](https://www.sscainfo.com/2024/07/22/township-of-the-archipelago-proposed-site-alteration-tree-preservation-by-laws-revisions-background-2024-july-22-sans-souci-copperhead-association/)

### **Examples of Overreaching Prohibitions in the Tree By-Law**

After speaking with ToA staff, it appears that the following common scenarios would be prohibited by the draft by-law:

- Imagine that some saplings are growing within 25' of the shore. Over the next few years these will grow to block your view of the water and of your children playing on your dock. For safety as well as aesthetic reasons, you would like to remove these saplings. To do so will require a permit from the township.
- Or let's say your kids used to play in some shallow water near your dock. Now that they have children of their own, you would like to make that same area available to your grandchildren, but it has grown some woody vegetation around the shoreline. The by-laws prohibit you from returning it to its previous state.

- Finally, let's say you want to remove some junipers to clear an outdoor seating area within 25' of the high-water mark. Again, you would need a permit.

I'm sure you can think of lots of other scenarios.

There are exemptions available, such as during construction or for minor landscaping or maintenance. However, it is not clear when these would apply. It's also not clear how these by-laws would be enforced, although it appears that the Township is relying on complaints.

### **The revisions do not address our earlier issues**

The issues we had with the earlier draft tree by-law remain within the shoreline area:

1. The by-law's default position is that all vegetation removal within the shoreline area is against the by-law unless expressly permitted. The list of potential exemptions is virtually endless, but only a few are set out in the by-laws and they are not clear. We believe property owners are in the best position to evaluate whether shoreline vegetation control and removal is reasonable. The change to the by-law that prohibits clear-cutting on interior land is an example of how council has adapted the by-law to this approach. We would like to see clear prohibitions used throughout rather than blanket restrictions and exemptions.
2. The proposed by-laws require taxpayers to engage professionals for assessing tree removal and preparing a report to request a permit. The cost to the landowner to obtain the required site plans or engage the required tree experts is prohibitive and unreasonable. As a result, the proposed by-laws favour wealthy landowners and property developers over others.
3. The by-laws are dense, requiring a high level of investigation by any taxpayer or the hiring of professionals to be confident in their compliance.
4. The complexity leads to another issue, which is that neighbours may disagree with each other's interpretation of the by-law, leading to community strife.
5. We do not support the cost to the community or to the taxpayers of enforcing these by-laws. The earlier version of the by-laws carried an estimated price tag of 4% of the township budget for 2 additional by-law enforcement officers. These scaled down by-laws may cost less to enforce, but there is no estimate currently available.
6. We believe that these by-laws are unlikely to be enforced for the reasons set out above, and that by-laws that are not enforced lead to bad social outcomes.

### **How to make your views known**

The Township is hosting 2 Open Houses to collect public feedback:

1. In-person meeting on August 13 from 2:00-4:00pm at the Pointe au Baril Community Center
2. Zoom meeting on August 22 from 6:00 - 8:00pm. Please register for the Zoom meeting at this link [Webinar Registration - Zoom](#). I plan to make comments at the virtual meeting. You may also want to do so.

There is a comment form where you can register your views: [Public Comment Form Revised Draft Site Alteration and Tree Preservation By-laws \(office.com\)](#)

You can also send your concerns directly to the Township, your councilors and Reeve:

David Ashley [REDACTED]

Alice Barton [REDACTED]

Rick Zanussi [REDACTED]

Bert Liverance [REDACTED]

Cale Henderson [REDACTED]

Like last time, I will draft a communication to the Township and circulate it to you prior to Aug 22<sup>nd</sup> so that you can confirm your continued objections to these excessive regulations.

To respect your privacy, I have bcc'ed everyone. Please forward it to anyone who you think would like to be kept informed.

Thanks  
John

John Hayes

[REDACTED]

[REDACTED]

## Cale Henderson

---

**From:** JOHN HOGARTH [REDACTED]  
**Sent:** September 9, 2024 2:50 PM  
**To:** John Hayes  
**Cc:** Cale Henderson; Bert Liverance - Reeve; Alice Barton - CouncillorWard4B; David Ashley - CouncillorWard4A; Rick Zanussi - CouncillorWard4C; [REDACTED]

**Subject:** Re: Archipelago revised tree by-law needs further amendments

Thank you for your follow up on this John. I strongly disagree with this proposed bylaw, and am amazed with this overwhelming opposition that it is still being considered in its current form, if at all. Truly, john hogarth

John Hogarth, Senior Wealth Advisor and Portfolio Manager at Scotia McLeod Inc. M. 1- [REDACTED]  
[REDACTED] Sent from my iPad

On Sep 9, 2024, at 11:09 AM, John Hayes [REDACTED] wrote:

Hello Reeve Liverance, Councillors Ashley, Barton and Zanussi, Mr. Henderson and Ms Elphick,

I'm writing to register my opposition to the Tree Preservation by-law as drafted in May of this year.

You have heard from many in the community who oppose this by-law:

- At the in-person Town Hall on August, 12 attendees spoke against the by-laws versus 2 in support.
- At the virtual town hall later in the month, 9 people commented against the by-law. None spoke in favour.
- The SSCA ran a survey and received input from 68 members. Of those, 76% said the tree preservation by-law was either far too restrictive (59%) or somewhat too restrictive (17%).



## Cale Henderson

---

**From:** David Ashley [REDACTED]  
**Sent:** September 9, 2024 1:50 PM  
**To:** Cale Henderson  
**Subject:** FW: Shorelines

Cale

More comments for your consideration.

Dave

---

**From:** Todd Knight [REDACTED]  
**Sent:** September 9, 2024 10:43 AM  
**To:** [REDACTED]  
**Subject:** Shorelines

Hi David, I need to reach out to you.

I am one of the silent majority.

Of course our family and neighbours identify in the statistical environmental group concerned. Do not now use that label against us.

The shoreline bylaw is NOT what we want.

A "planning" firm and meeting are wrong. Continuing Education the right approach.

One can only imagine the waist of money to date. Future administration of such a bylaw will require a escalating future budget.

Kill it now.

We are responsible, environmentally aware, educated. We are already sensitive of shoreline and habitat.

All that is needed is to promote this brochure. The work is done.

<https://loveyourlake.ca/natural-shoreline/>

-the bylaw is a (really bad) example of government creep into our lives. Not wanted. Not needed. Affects everyone. A bottomless pit of expense and govt expansion. Ineffective as the 0.001% of offenders will continue to act first and ask for forgiveness later irregardless.

Best regards

[REDACTED]  
President, Founder, Chief Geophysicist  
"Powering Energy Transactions"  
[REDACTED]



Virus-free [www.avg.com](http://www.avg.com)

## Cale Henderson

---

**From:** Ernest Kovacs [REDACTED]  
**Sent:** September 9, 2024 2:01 PM  
**To:** John Hayes; Cale Henderson; Bert Liverance - Reeve; Alice Barton - CouncillorWard4B; David Ashley - CouncillorWard4A; Rick Zanussi - CouncillorWard4C;  
**Cc:** [REDACTED]  
**Subject:** Re: Archipelago revised tree by-law needs further amendments

I strongly support John Hayes' opposition to the current bill.  
Ernest Kovacs

[Sent from the all new AOL app for iOS](#)

On Monday, September 9, 2024, 11:09 AM, John Hayes [REDACTED] wrote:

Hello Reeve Liverance, Councillors Ashley, Barton and Zanussi, Mr. Henderson and Ms Elphick,

I'm writing to register my opposition to the Tree Preservation by-law as drafted in May of this year.

You have heard from many in the community who oppose this by-law:

- At the in-person Town Hall on August, 12 attendees spoke against the by-laws versus 2 in support.
- At the virtual town hall later in the month, 9 people commented against the by-law. None spoke in favour.
- The SSCA ran a survey and received input from 68 members. Of those, 76% said the tree preservation by-law was either far too restrictive (59%) or somewhat too restrictive (17%).
- Many taxpayers have written to you individually to register their objections to the by-law.

## Cale Henderson

---

**From:** Jackie Koza [REDACTED]  
**Sent:** September 9, 2024 9:50 PM  
**To:** David Roffey  
**Cc:** Boyd Taylor; John Hayes; Cale Henderson; Bert Liverance - Reeve; Alice Barton - CouncillorWard4B; David Ashley - CouncillorWard4A; Rick Zanussi - CouncillorWard4C;

[REDACTED]

**Subject:** Re: Archipelago revised tree by-law needs further amendments

Thank you John for continuing to address issue. Cully and I are in complete agreement with John Hayes and do not support the proposed bylaw. Jackie and Cully Koza  
Sent from my iPhone

On Sep 9, 2024, at 8:59 PM, David Roffey [REDACTED] wrote:

I concur with John Hayes points in relation to the tree bylaws  
Regards  
David Roffey

---

**From:** Boyd Taylor [REDACTED]  
**Sent:** Monday, September 9, 2024 6:07 PM  
**To:** John Hayes [REDACTED]  
**Cc:** Cale Henderson <chenderson@thearchipelago.ca>; Bert Liverance - Reeve [REDACTED]; Alice Barton - CouncillorWard4B [REDACTED] David Ashley - CouncillorWard4A [REDACTED] Rick Zanussi - CouncillorWard4C [REDACTED]

**Cale Henderson**

---

**From:** Raymond Murakami [redacted]  
**Sent:** September 9, 2024 4:22 PM  
**To:** [redacted]; Cale Henderson; John Hayes; Bert Liverance - Reeve; Alice Barton - CouncillorWard4B; David Ashley - CouncillorWard4A; Rick Zanussi - CouncillorWard4C;

[redacted]

**Subject:** Re: Archipelago revised tree by-law needs further amendments

Thank you very much Mr. Hayes for your close attention to this proposed bylaw

To Reeve Liverance, Councillors Alice Barton, David Ashley and Rick Zanussi, Cale Henderson and Ms Elphick

Ann Johnston and Raymond Murakami Island B484 do NOT support the current proposed draft of the revised tree/vegetation by-law

---

**From:** pjm4aboat@aol.com [redacted]  
**Date:** Monday, September 9, 2024 at 4:06 PM  
**To:** Cale Henderson [redacted], John Hayes [redacted], Bert Liverance - Reeve [redacted], Alice Barton - CouncillorWard4B [redacted], David Ashley - CouncillorWard4A [redacted], Rick Zanussi - CouncillorWard4C [redacted]

**Cc:** [redacted]  
[redacted]  
[redacted]  
[redacted]  
[redacted]  
Raymond

## Cale Henderson

---

**From:** [REDACTED]  
**Sent:** September 9, 2024 4:07 PM  
**To:** Cale Henderson; John Hayes; Bert Liverance - Reeve; Alice Barton - CouncillorWard4B; David Ashley - CouncillorWard4A; Rick Zanussi - CouncillorWard4C;  
**Cc:** [REDACTED]  
**Subject:** Re: Archipelago revised tree by-law needs further amendments

Thanks John for all your work on this. I am not in favor of this bylaw  
Peter Murphy

On Monday, September 9, 2024 at 11:09:43 a.m. EDT, John Hayes [REDACTED] wrote:

Hello Reeve Liverance, Councillors Ashley, Barton and Zanussi, Mr. Henderson and Ms Elphick,

I'm writing to register my opposition to the Tree Preservation by-law as drafted in May of this year.

You have heard from many in the community who oppose this by-law:

- At the in-person Town Hall on August, 12 attendees spoke against the by-laws versus 2 in support.
- At the virtual town hall later in the month, 9 people commented against the by-law. None spoke in favour.
- The SSCA ran a survey and received input from 68 members. Of those, 76% said the tree preservation by-law was either far too restrictive (59%) or somewhat too restrictive (17%).
- Many taxpayers have written to you individually to register their objections to the by-law.

These inputs clearly demonstrates that the community does not support the Tree Preservation by-law as drafted. The feedback has been so overwhelmingly negative that it is hard to see how a democratically elected council can pass any form of this by-law.

However, if you insist on passing something, please consider easing the restrictions in the first 7.5m from the high water mark. The Township of Georgian Bay has set an example of how you might do so:

- Apply the restrictions to 75% of a shoreline rather than 100%; and
- Permit viewing windows to be cut through trees; and

## Cale Henderson

---

**From:** Frank Nettleton [REDACTED]  
**Sent:** September 9, 2024 2:56 PM  
**To:** John Hayes  
**Cc:** Cale Henderson; Bert Liverance - Reeve; Alice Barton - CouncillorWard4B; David Ashley - CouncillorWard4A; Rick Zanussi - CouncillorWard4C; [REDACTED]

**Subject:** Re: Archipelago revised tree by-law needs further amendments

Thanks again John for your efforts on our behalf. I concur with your assessment.

Frank

Sent from my iPhone

On Sep 9, 2024, at 11:09 AM, John Hayes [REDACTED] wrote:

Hello Reeve Liverance, Councillors Ashley, Barton and Zanussi, Mr. Henderson and Ms Elphick,

I'm writing to register my opposition to the Tree Preservation by-law as drafted in May of this year.

You have heard from many in the community who oppose this by-law:

- At the in-person Town Hall on August, 12 attendees spoke against the by-laws versus 2 in support.
- At the virtual town hall later in the month, 9 people commented against the by-law. None spoke in favour.
- The SSCA ran a survey and received input from 68 members. Of those, 76% said the tree preservation by-law was either far too restrictive (59%) or somewhat too restrictive (17%).
- Many taxpayers have written to you individually to register their objections to the by-law.

**Cale Henderson**

---

**From:** David Roffey [REDACTED]  
**Sent:** September 9, 2024 9:00 PM  
**To:** Boyd Taylor; John Hayes  
**Cc:** Cale Henderson; Bert Liverance - Reeve; Alice Barton - CouncillorWard4B; David Ashley - CouncillorWard4A; Rick Zanussi - CouncillorWard4C; [REDACTED]

[REDACTED]

Janice Taylor

**Subject:** RE: Archipelago revised tree by-law needs further amendments

I concur with John Hayes points in relation to the tree bylaws

Regards

David Roffey

---

**From:** Boyd Taylor [REDACTED]  
**Sent:** Monday, September 9, 2024 6:07 PM  
**To:** John Hayes [REDACTED]  
**Cc:** Cale Henderson [REDACTED]; Bert Liverance - Reeve [REDACTED]; Alice Barton - CouncillorWard4B <abarton@thearchipelago.ca>; David Ashley - CouncillorWard4A [REDACTED]; Rick Zanussi - CouncillorWard4C [REDACTED]; [REDACTED]

[REDACTED]

David Roffey [REDACTED]; Boyd Taylor [REDACTED]; Janice [REDACTED]

## Cale Henderson

---

**From:** Boyd Taylor [REDACTED]  
**Sent:** September 9, 2024 6:07 PM  
**To:** John Hayes  
**Cc:** Cale Henderson; Bert Liverance - Reeve; Alice Barton - CouncillorWard4B; David Ashley - CouncillorWard4A; Rick Zanussi - CouncillorWard4C; [REDACTED]

**Subject:** [REDACTED] Boyd Taylor; Janice Taylor  
Re: Archipelago revised tree by-law needs further amendments

We concur with John Hayes and support his recommended amendments.  
Janice & Boyd Taylor  
Island property 341B

On Sep 9, 2024, at 11:09 AM, John Hayes [REDACTED] wrote:

Hello Reeve Liverance, Councillors Ashley, Barton and Zanussi, Mr. Henderson and Ms Elphick,

I'm writing to register my opposition to the Tree Preservation by-law as drafted in May of this year.

You have heard from many in the community who oppose this by-law:

- At the in-person Town Hall on August, 12 attendees spoke against the by-laws versus 2 in support.
- At the virtual town hall later in the month, 9 people commented against the by-law. None spoke in favour.
- The SSCA ran a survey and received input from 68 members. Of those, 76% said the tree preservation by-law was either far too restrictive (59%) or somewhat too restrictive (17%).
- Many taxpayers have written to you individually to register their objections to the by-law.



## Cale Henderson

---

**From:** Will Tiviluk [REDACTED]  
**Sent:** September 9, 2024 7:39 PM  
**To:** Jay Daley  
**Cc:** John Hayes; Cale Henderson; Bert Liverance - Reeve; Alice Barton - CouncillorWard4B; David Ashley - CouncillorWard4A; Rick Zanussi - CouncillorWard4C;

[REDACTED]

**Subject:** Re: Archipelago revised tree by-law needs further amendments

Like all before me, I thank John for all his work on this.

I think it is totally unfair that 100% of cottage/land owners should be punished based on the activities of a very small number of cottagers and/or the opinions of a small group of people.

We are all invested heavily in the area, both financially and emotionally and want nothing but the best for the Bay like the Councillors.

(Im 57 years old and I've been on the Bay...for 57 years.)

But we feel self policing is a more appropriate approach to this whole issue; maybe what we've learned through the threat of such draconian measures being implemented is that on top of self policing, perhaps there should be an added responsibility on all of us to be more sensitive to what our friends and neighbours are doing on their properties and not be shy about discussing any potential concerns amongst each other, in an open and civilized manner.

That is certainly a fair lesson to be gleaned from this debate.

But to impose such blanket and severe restrictions on all of us is simply not democratic or fair.

Will Tiviluk  
Frying Pan

Sent from my iPhone

## Cale Henderson

---

**From:** Jackie Campbell [REDACTED]  
**Sent:** September 10, 2024 8:49 AM  
**To:** John Hayes  
**Cc:** Cale Henderson; Bert Liverance - Reeve; Alice Barton - CouncillorWard4B; David Ashley - CouncillorWard4A; Rick Zanussi - CouncillorWard4C; [REDACTED]; Leslie Hayes; Norma Tangney; [REDACTED]; Jackie Koza; Gord O'Reilly; angus tucker; Ann Johnson; Ray Murakami; Phyllis Lill; Tiviluk Will; Joanne Browne; Jennifer.a.lill@gmail.com; Kevin Bub; Peter Singer; [REDACTED]; John Hogarth; Alex Macdonald; Alexandra von Schroeter; Val Hay; Derek Bowen; Brian Chapman; Peter Murphy; [REDACTED]; Donna + Ernie Kovacs; [REDACTED]; Barb Weir; [REDACTED]; Norm Playfair; Kim Cormack; David Chambers; Judy Hatcher; Karen Walsh; Robert Hay; [REDACTED]; Ainslie Gray; Greg Cunningham; [REDACTED]; [REDACTED]; Glen Campbell; [REDACTED]; W. Iain Scott; Tom Blackett; Stuart Hatcher; [REDACTED]; David Roffey  
**Subject:** Re: Archipelago revised tree by-law needs further amendments

Good Morning Reeve Liverance, Councillors Ashley, Barton and Zanussi, Mr. Henderson and Ms Elphick

We too support the views expressed by John Hayes and strongly oppose this proposed bylaw.

It is our hope you will listen and react appropriately, in light of the overwhelming negative feedback you have, and are receiving, from the people you represent; in relation to the tree preservation bylaw.

Peter & Jackie Campbell  
Wahsoun Island B207 - 24&25

On Mon, Sept 9, 2024, 11:09 a.m. John Hayes [REDACTED] wrote:

Hello Reeve Liverance, Councillors Ashley, Barton and Zanussi, Mr. Henderson and Ms Elphick,

I'm writing to register my opposition to the Tree Preservation by-law as drafted in May of this year.

You have heard from many in the community who oppose this by-law:

- At the in-person Town Hall on August, 12 attendees spoke against the by-laws versus 2 in support.
- At the virtual town hall later in the month, 9 people commented against the by-law. None spoke in favour.
- The SSCA ran a survey and received input from 68 members. Of those, 76% said the tree preservation by-law was either far too restrictive (59%) or somewhat too restrictive (17%).
- Many taxpayers have written to you individually to register their objections to the by-law.

These inputs clearly demonstrates that the community does not support the Tree Preservation by-law as drafted. The feedback has been so overwhelmingly negative that it is hard to see how a democratically elected council can pass any form of this by-law.

**Cale Henderson**

---

**From:** brian chapman [REDACTED]  
**Sent:** September 10, 2024 10:49 AM  
**To:** Kim Cormack  
**Cc:** john hayes; Cale Henderson; Bert Liverance - Reeve; Alice Barton - CouncillorWard4B;  
David Ashley - CouncillorWard4A; Rick Zanussi - CouncillorWard4C;

[REDACTED]

Robert Hay; Jonathan Pintwala; Ainslie Gray;

[REDACTED]; David Roffey

**Subject:** Re: Archipelago revised tree by-law needs further amendments

We fully endorse and support the opinions expressed by our fellow cottagers in these comments. The proposed by-law is an egregious misappropriation of property owner rights. We agree in particular, with Iain Scott's view that the entire process needs to be reviewed and reconstituted.

Brian and Janey Chapman  
B363

Sent from my iPhone

On Sep 10, 2024, at 8:31 AM, Kim Cormack [REDACTED] wrote:

Thankyou John for keeping the Sans Souci community abreast on this matter

Norm and I fully support your position as stated below opposing the proposed Tree Preservation by-law

Kim Cormack/Norm Playfair  
Eigg Island 148

## Cale Henderson

---

**From:** Kim Cormack [REDACTED]  
**Sent:** September 10, 2024 8:30 AM  
**To:** john hayes  
**Cc:** Cale Henderson; Bert Liverance - Reeve; Alice Barton - CouncillorWard4B; David Ashley - CouncillorWard4A; Rick Zanussi - CouncillorWard4C; [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED] Valerie Hay;  
[REDACTED]  
[REDACTED] Robert Hay; Jonathan  
[REDACTED] Pintwala; Ainslie Gray;  
[REDACTED]  
[REDACTED] David  
Roffey

**Subject:** Re: Archipelago revised tree by-law needs further amendments

Thankyou John for keeping the Sans Souci community abreast on this matter

Norm and I fully support your position as stated below opposing the proposed Tree Preservation by-law

Kim Cormack/Norm Playfair  
Eigg Island 148

On Sep 9, 2024, at 11:09 AM, John Hayes [REDACTED] wrote:

Hello Reeve Liverance, Councillors Ashley, Barton and Zanussi, Mr. Henderson and Ms Elphick,

I'm writing to register my opposition to the Tree Preservation by-law as drafted in May of this year.

You have heard from many in the community who oppose this by-law:

- At the in-person Town Hall on August, 12 attendees spoke against the by-laws versus 2 in support.
- At the virtual town hall later in the month, 9 people commented against the by-law. None spoke in favour.
- The SSCA ran a survey and received input from 68 members. Of those, 76% said the tree preservation by-law was either far too restrictive (59%) or somewhat too restrictive (17%).
- Many taxpayers have written to you individually to register their objections to the by-law.

## Cale Henderson

---

**From:** Ainslie Gray [REDACTED]  
**Sent:** September 10, 2024 4:15 PM  
**To:** angus tucker  
**Cc:** John Hayes; Rick Zanussi - CouncillorWard4C; Cale Henderson; Bert Liverance - Reeve; Alice Barton - CouncillorWard4B; David Ashley - CouncillorWard4A;

[REDACTED]

**Subject:** Re: Archipelago revised tree by-law needs further amendments

Thank you, John, for your persistent expertise in exploring this issue.  
I also support your ideas as outlined and oppose the recommendations.  
Ainslie Gray B498 and B715  
Sent from my iPhone

On Sep 10, 2024, at 10:49 AM, angus tucker [REDACTED] wrote:

We also fully endorse and support the opinions expressed by our fellow cottagers in these comments.  
The proposed by-law is an egregious misappropriation of property owner rights.  
We agree in particular, with Iain Scott's view that the entire process needs to be reviewed and reconstituted.

Angus and Jane Tucker and Catherine Bradley  
Maud Island, B688

On Mon, Sep 9, 2024 at 11:09 AM John Hayes [REDACTED] wrote:  
Hello Reeve Liverance, Councillors Ashley, Barton and Zanussi, Mr. Henderson and Ms Elphick,

## Cale Henderson

---

**From:** Judy Hatcher [REDACTED]  
**Sent:** September 10, 2024 8:09 AM  
**To:** John Hayes  
**Cc:** Cale Henderson; Bert Liverance - Reeve; Alice Barton - CouncillorWard4B; David Ashley - CouncillorWard4A; Rick Zanussi - CouncillorWard4C; [REDACTED]

**Subject:** Re: Archipelago revised tree by-law needs further amendments

I too am in agreement with John Hayes' analysis and commentary against these overreaching by-laws.  
Judy Hatcher Island B321 Sans Souci

On Sep 9, 2024, at 11:09 AM, John Hayes [REDACTED] wrote:

Hello Reeve Liverance, Councillors Ashley, Barton and Zanussi, Mr. Henderson and Ms Elphick,

I'm writing to register my opposition to the Tree Preservation by-law as drafted in May of this year.

You have heard from many in the community who oppose this by-law:

- At the in-person Town Hall on August, 12 attendees spoke against the by-laws versus 2 in support.
- At the virtual town hall later in the month, 9 people commented against the by-law. None spoke in favour.
- The SSCA ran a survey and received input from 68 members. Of those, 76% said the tree preservation by-law was either far too restrictive (59%) or somewhat too restrictive (17%).
- Many taxpayers have written to you individually to register their objections to the by-law.

## Cale Henderson

---

**From:** Alex Macdonald [REDACTED]  
**Sent:** September 10, 2024 8:15 AM  
**To:** John Hayes  
**Cc:** Cale Henderson; Bert Liverance - Reeve; Alice Barton - CouncillorWard4B; David Ashley - CouncillorWard4A; Rick Zanussi - CouncillorWard4C; [REDACTED]

**Subject:** Re: Archipelago revised tree by-law needs further amendments

Thank you John, once again, for so clearly articulating the challenge the vast majority of our community has with the proposed bylaws. We fully support your opposition as stated.

Alex Macdonald & Angela Lam  
Wildgoose Island (B351-3)

Alex Macdonald (he/him)

[REDACTED]

On Sep 9, 2024, at 11:09 AM, John Hayes [REDACTED] wrote:

Hello Reeve Liverance, Councillors Ashley, Barton and Zanussi, Mr. Henderson and Ms Elphick,

I'm writing to register my opposition to the Tree Preservation by-law as drafted in May of this year.

You have heard from many in the community who oppose this by-law:

- At the in-person Town Hall on August, 12 attendees spoke against the by-laws versus 2 in support.

## Cale Henderson

---

**From:** Jonathan Pintwala [REDACTED]  
**Sent:** September 10, 2024 7:54 PM  
**To:** Ainslie Gray  
**Cc:** [REDACTED]

**Subject:** Re: Archipelago revised tree by-law needs further amendments

Sharon and I concur with John Hayes detailed response to the proposed and amended proposal.  
Thank you John!

Jon Pintwala  
Idletime Is B496  
[REDACTED]

On Tue, Sep 10, 2024 at 4:15 PM Ainslie Gray [REDACTED] wrote:  
Thank you, John, for your persistent expertise in exploring this issue.  
I also support your ideas as outlined and oppose the recommendations.  
Ainslie Gray B498 and B715  
Sent from my iPhone

On Sep 10, 2024, at 10:49 AM, angus tucker [REDACTED] wrote:

We also fully endorse and support the opinions expressed by our fellow cottagers in these comments.  
The proposed by-law is an egregious misappropriation of property owner rights.



## Cale Henderson

---

**From:** W. Iain Scott [REDACTED]  
**Sent:** September 10, 2024 8:09 AM  
**To:** John Hayes  
**Cc:** Cale Henderson; Bert Liverance - Reeve; Alice Barton - CouncillorWard4B; David Ashley - CouncillorWard4A; Rick Zanussi - CouncillorWard4C; [REDACTED]; Leslie Hayes; Jackie Campbell; [REDACTED]; [REDACTED]; angus tucker; Ann Johnston; Ray Murakami; Phyllis Lill; Will Tiviluk; Joanne Browne; [REDACTED]; Kevin Bub; Peter Singer; [REDACTED]; John Hogarth; [REDACTED]; Alexandra von Schroeter; Val Hay; Derek Bowen; Brian Chapman; Peter Murphy; [REDACTED]; Ernest Kovacs; [REDACTED]; Todd Welty; [REDACTED]; Kim Cormack; [REDACTED]; Karen Walsh; [REDACTED]; Jonathan Pintwala; Ainslie Gray; Greg Cunningham; [REDACTED]; Tom Blackett; Hatcher, Stuart; [REDACTED]; David Roffey  
**Subject:** Re: Archipelago revised tree by-law needs further amendments  
**Attachments:** 1723900064301blob.jpg

I support the views expressed by John Hayes and strongly oppose this proposed overreach by the Township.

However, I do not agree that the extensive opposition to the proposed bylaw can be addressed by a few simple amendments.

If, in fact, there is a serious problem that needs to be addressed legislatively the Township needs to start again with a better informed and more transparent process.

Iain Scott Blueberry B-474 & Windswept B-472.

On Mon, Sep 9, 2024, 11:09 a.m. John Hayes [REDACTED] wrote:  
Hello Reeve Liverance, Councillors Ashley, Barton and Zanussi, Mr. Henderson and Ms Elphick,

I'm writing to register my opposition to the Tree Preservation by-law as drafted in May of this year.

You have heard from many in the community who oppose this by-law:

- At the in-person Town Hall on August, 12 attendees spoke against the by-laws versus 2 in support.
- At the virtual town hall later in the month, 9 people commented against the by-law. None spoke in favour.
- The SSCA ran a survey and received input from 68 members. Of those, 76% said the tree preservation by-law was either far too restrictive (59%) or somewhat too restrictive (17%).
- Many taxpayers have written to you individually to register their objections to the by-law.

These inputs clearly demonstrates that the community does not support the Tree Preservation by-law as drafted. The feedback has been so overwhelmingly negative that it is hard to see how a democratically elected council can pass any form of this by-law.

## Cale Henderson

---

**From:** Peter Singer [REDACTED]  
**Sent:** September 10, 2024 4:06 AM  
**To:** John Hayes  
**Cc:** Cale Henderson; Bert Liverance - Reeve; Alice Barton - CouncillorWard4B; David Ashley - CouncillorWard4A; Rick Zanussi - CouncillorWard4C; [REDACTED]

**Subject:** Re: Archipelago revised tree by-law needs further amendments

Well stated John. Cathie and I are in complete agreement with you with regards to the proposed bylaw.

Thanks for articulating our position so well.

Regards

Peter and Cathie Singer  
Halcro Island B663.

On Sep 9, 2024, at 4:09 PM, John Hayes [REDACTED] wrote:

**CAUTION: This email originated from outside of the TLS organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Hello Reeve Liverance, Councillors Ashley, Barton and Zanussi, Mr. Henderson and Ms Elphick,

I'm writing to register my opposition to the Tree Preservation by-law as drafted in May of this year.

## Cale Henderson

---

**From:** Norma Tangney [REDACTED]  
**Sent:** September 10, 2024 1:29 PM  
**To:** John Hayes  
**Cc:** Cale Henderson; Bert Liverance - Reeve; Alice Barton - CouncillorWard4B; David Ashley - CouncillorWard4A; Rick Zanussi - CouncillorWard4C; [REDACTED]

**Subject:** Re: Archipelago revised tree by-law needs further amendments

Norma and Michael Tangney are opposed to the tree preservation bylaw..and support the views expressed by John..

Thank you John..your involvement and interest are much appreciated..  
Sent from my iPhone

On Sep 9, 2024, at 11:09 AM, John Hayes [REDACTED] wrote:

Hello Reeve Liverance, Councillors Ashley, Barton and Zanussi, Mr. Henderson and Ms Elphick,

I'm writing to register my opposition to the Tree Preservation by-law as drafted in May of this year.

You have heard from many in the community who oppose this by-law:

- At the in-person Town Hall on August, 12 attendees spoke against the by-laws versus 2 in support.
- At the virtual town hall later in the month, 9 people commented against the by-law. None spoke in favour.

## Cale Henderson

---

**From:** angus tucker [REDACTED]  
**Sent:** September 10, 2024 12:49 PM  
**To:** John Hayes; Rick Zanussi - CouncillorWard4C; Cale Henderson; Bert Liverance - Reeve; Alice Barton - CouncillorWard4B; David Ashley - CouncillorWard4A  
**Cc:** [REDACTED]  
**Subject:** Re: Archipelago revised tree by-law needs further amendments

We also fully endorse and support the opinions expressed by our fellow cottagers in these comments. The proposed by-law is an egregious misappropriation of property owner rights. We agree in particular, with Iain Scott's view that the entire process needs to be reviewed and reconstituted.

Angus and Jane Tucker and Catherine Bradley  
Maud Island, B688

On Mon, Sep 9, 2024 at 11:09 AM John Hayes [REDACTED] wrote:  
Hello Reeve Liverance, Councillors Ashley, Barton and Zanussi, Mr. Henderson and Ms Elphick,

I'm writing to register my opposition to the Tree Preservation by-law as drafted in May of this year.

You have heard from many in the community who oppose this by-law:

- At the in-person Town Hall on August, 12 attendees spoke against the by-laws versus 2 in support.
- At the virtual town hall later in the month, 9 people commented against the by-law. None spoke in favour.
- The SSCA ran a survey and received input from 68 members. Of those, 76% said the tree preservation by-law was either far too restrictive (59%) or somewhat too restrictive (17%).
- Many taxpayers have written to you individually to register their objections to the by-law.

**Cale Henderson**

---

**From:** Alexandra von Schroeter [REDACTED]  
**Sent:** September 10, 2024 8:18 AM  
**To:** John Hayes  
**Cc:** Cale Henderson; Bert Liverance - Reeve; Alice Barton - CouncillorWard4B; David Ashley - CouncillorWard4A; Rick Zanussi - CouncillorWard4C; [REDACTED]

**Subject:** Re: Archipelago revised tree by-law needs further amendments

Hello Reeve Liverance, Councillors Ashley, Barton and Zanussi, Mr. Henderson and Ms Elphick,

I too am writing to register my opposition to the Tree Preservation by-law as drafted in May of this year.

The by-law does not have a sound basis to be passed as is. John Hayes has outlined the areas for you to reconsider and proposed a variety of solutions, as have many others, which offer some support. A new process needs to be undertaken at your earliest to establish the appropriate path forward from here.

Yours very truly,

Alex von Schroeter  
Davis Island B-223

**Alexandra von Schroeter**

On Sep 9, 2024, at 11:09 AM, John Hayes [REDACTED] wrote:

Hello Reeve Liverance, Councillors Ashley, Barton and Zanussi, Mr. Henderson and Ms Elphick,

I'm writing to register my opposition to the Tree Preservation by-law as drafted in May of this year.

## Cale Henderson

---

**From:** Barb Weir [REDACTED]  
**Sent:** September 10, 2024 1:23 PM  
**To:** John Hayes  
**Cc:** David Ashley - CouncillorWard4A; Alice Barton - CouncillorWard4B; Rick Zanussi - CouncillorWard4C; Bert Liverance - Reeve; Cale Henderson  
**Subject:** Re: Archipelago revised tree by-law needs further amendments

Well said John. Thank you so much for all your work regarding this bylaw. We concur with all of the comments you have received from the other property owners and fully support your efforts.

Barb and John Weir  
Wahsoun Island

On Mon, Aug 5, 2024, 1:04 PM John Hayes, [REDACTED] wrote:

Hello all,

You are receiving this email because you asked to be kept up to date on the site alteration and tree preservation by-laws. The latest drafts of these by-laws were posted in May on the Township web site with a goal for implementation this year:

1. Site Alteration by-law [connector \(municipalwebsites.ca\)](#)  
➔ Most people I have spoken with do not have significant issues with this by-law. Please let me know if you do.
2. Tree Preservation by-law [connector \(municipalwebsites.ca\)](#)  
➔ This revised by-law is highly restrictive. Let's provide feedback to the Township to make sure they understand that it cannot be passed as is.

### **The Revised Tree Preservation By-Law severely restricts your shoreline management**

The tree by-law now divides your property into two areas:

- The interior portion of a property, where only clear-cutting is prohibited. This is a step forward in that it removes many concerns taxpayers had about the earlier draft.
- The shoreline area, which is defined as within 7.5m (25ft) of the high-water mark. In this area, all of the prior restrictions remain, and some new ones are introduced. Specifically, within this zone, you are prohibited from destroying or injuring, "any native shoreline vegetation", which includes "any woody plant, or contiguous cluster of plants including, but not limited to trees, shrubs and hedgerows."

The SSCA has published a helpful summary of the revised by-laws: [TOWNSHIP OF THE ARCHIPELAGO PROPOSED SITE ALTERATION & TREE PRESERVATION BY-LAWS BY-LAW REVISIONS BACKGROUNDER 2024-July-22 - Sans Souci and Copperhead Association \(ssca.info\)](#)

### **Examples of Overreaching Prohibitions in the Tree By-Law**

After speaking with ToA staff, it appears that the following common scenarios would be prohibited by the draft by-law:

- Imagine that some saplings are growing within 25' of the shore. Over the next few years these will grow to block your view of the water and of your children playing on your dock. For safety as well as aesthetic reasons, you would like to remove these saplings. To do so will require a permit from the township.
- Or let's say your kids used to play in some shallow water near your dock. Now that they have children of their own, you would like to make that same area available to your grandchildren, but it has grown some woody vegetation around the shoreline. The by-laws prohibit you from returning it to its previous state.

**Cale Henderson**

---

**From:** [REDACTED]  
**Sent:** September 11, 2024 8:17 AM  
**To:** 'Jonathan Pintwala'; 'Ainslie Gray'  
**Cc:** 'angus tucker'; 'John Hayes'; Rick Zanussi - CouncillorWard4C; Cale Henderson; Bert Liverance - Reeve; Alice Barton - CouncillorWard4B; David Ashley - CouncillorWard4A;

[REDACTED]

**Subject:** RE: Archipelago revised tree by-law needs further amendments

We agree the proposed Tree Preservation by-law goes far beyond what is needed to achieve the township's policy goals and is a significant imposition on individual property rights.

Bruce and Erica Allen  
A96-22

[REDACTED]

---

**From:** Jonathan Pintwala [REDACTED]  
**Sent:** Tuesday, September 10, 2024 7:54 PM  
**To:** Ainslie Gray [REDACTED]  
**Cc:** [REDACTED]

[REDACTED]

## Cale Henderson

---

**From:** Joanne Browne [REDACTED]  
**Sent:** September 11, 2024 3:18 AM  
**To:** John Hayes  
**Cc:** Cale Henderson; Bert Liverance - Reeve; Alice Barton - CouncillorWard4B; David Ashley - CouncillorWard4A; Rick Zanussi - CouncillorWard4C  
**Subject:** Re: Archipelago revised tree by-law needs further amendments

Hello,

Thank you John, David and I are in total agreement with your letter and are in opposition to the tree by-law.

Joanne and David Browne  
Cockburn Island

Sent from my iPhone

On Sep 9, 2024, at 5:09 PM, John Hayes [REDACTED] wrote:

Hello Reeve Liverance, Councillors Ashley, Barton and Zanussi, Mr. Henderson and Ms Elphick,

I'm writing to register my opposition to the Tree Preservation by-law as drafted in May of this year.

You have heard from many in the community who oppose this by-law:

- At the in-person Town Hall on August, 12 attendees spoke against the by-laws versus 2 in support.
- At the virtual town hall later in the month, 9 people commented against the by-law. None spoke in favour.
- The SSCA ran a survey and received input from 68 members. Of those, 76% said the tree preservation by-law was either far too restrictive (59%) or somewhat too restrictive (17%).
- Many taxpayers have written to you individually to register their objections to the by-law.

These inputs clearly demonstrates that the community does not support the Tree Preservation by-law as drafted. The feedback has been so overwhelmingly negative that it is hard to see how a democratically elected council can pass any form of this by-law.

However, if you insist on passing something, please consider easing the restrictions in the first 7.5m from the high water mark. The Township of Georgian Bay has set an example of how you might do so:

- Apply the restrictions to 75% of a shoreline rather than 100%; and
- Permit viewing windows to be cut through trees; and
- Remove the requirement to get a professional opinion to qualify for the good arboricultural or good forestry practice exemptions.



## Cale Henderson

---

**From:** David Chambers [REDACTED]  
**Sent:** September 11, 2024 3:11 PM  
**To:** Geordie Dalglish  
**Cc:** John Hayes; Cale Henderson; Bert Liverance - Reeve; Alice Barton - CouncillorWard4B; David Ashley - CouncillorWard4A; Rick Zanussi - CouncillorWard4C;

[REDACTED]

**Subject:** Re: Archipelago revised tree by-law needs further amendments

We support the opinions of John Hayes on the proposed bylaws. None of our cottage neighbours, whom we know, support these bylaws. It is time to reconsider if these bylaws are necessary. Dave and Irene Chambers

On Wed., Sep. 11, 2024, 10:41 a.m. Geordie Dalglish, [REDACTED] wrote:  
We have reviewed both proposed bylaws and are grateful to John for his comments.

We do not support the proposed Bylaws and hope Staff and Council will incorporate John's suggestions.

On Sep 9, 2024, at 11:09 AM, John Hayes [REDACTED] wrote:

Hello Reeve Liverance, Councillors Ashley, Barton and Zanussi, Mr. Henderson and Ms Elphick,

I'm writing to register my opposition to the Tree Preservation by-law as drafted in May of this year.

You have heard from many in the community who oppose this by-law:

- At the in-person Town Hall on August, 12 attendees spoke against the by-laws versus 2 in support.
- At the virtual town hall later in the month, 9 people commented against the by-law. None spoke in favour.

## Cale Henderson

---

**From:** Geordie Dalglish [REDACTED]  
**Sent:** September 11, 2024 10:41 AM  
**To:** John Hayes  
**Cc:** Cale Henderson; Bert Liverance - Reeve; Alice Barton - CouncillorWard4B; David Ashley - CouncillorWard4A; Rick Zanussi - CouncillorWard4C; [REDACTED]

**Subject:** Re: Archipelago revised tree by-law needs further amendments

We have reviewed both proposed bylaws and are grateful to John for his comments.

We do not support the proposed Bylaws and hope Staff and Council will incorporate John's suggestions.

On Sep 9, 2024, at 11:09 AM, John Hayes [REDACTED] wrote:

Hello Reeve Liverance, Councillors Ashley, Barton and Zanussi, Mr. Henderson and Ms Elphick,

I'm writing to register my opposition to the Tree Preservation by-law as drafted in May of this year.

You have heard from many in the community who oppose this by-law:

- At the in-person Town Hall on August, 12 attendees spoke against the by-laws versus 2 in support.
- At the virtual town hall later in the month, 9 people commented against the by-law. None spoke in favour.
- The SSCA ran a survey and received input from 68 members. Of those, 76% said the tree preservation by-law was either far too restrictive (59%) or somewhat too restrictive (17%).
- Many taxpayers have written to you individually to register their objections to the by-law.

These inputs clearly demonstrates that the community does not support the Tree Preservation by-law as drafted. The feedback has been so overwhelmingly negative that it is hard to see how a democratically elected council can pass any form of this by-law.

**Cale Henderson**

---

**From:** Tom Blackett [REDACTED]  
**Sent:** September 12, 2024 12:24 PM  
**To:** John Hayes; Cale Henderson; Bert Liverance - Reeve; Alice Barton - CouncillorWard4B; David Ashley - CouncillorWard4A; Rick Zanussi - CouncillorWard4C;  
**Cc:** [REDACTED]  
**Subject:** Re: Archipelago revised tree by-law needs further amendments

We are not supportive of the by-law in it's current form, and strongly feel amendments should be made as proposed by John Hayes.

Tom and Cathi Blackett  
Island B217

---

**From:** John Hayes [REDACTED]  
**Sent:** September 9, 2024 3:09 PM  
**To:** Cale Henderson [REDACTED]; John Hayes [REDACTED]; Bert Liverance - Reeve [REDACTED]; Alice Barton - CouncillorWard4B [REDACTED]; David Ashley - CouncillorWard4A [REDACTED]; Rick Zanussi - CouncillorWard4C [REDACTED];

**Cc:** [REDACTED]

## Cale Henderson

---

**From:** Phyllis Lill [REDACTED]  
**Sent:** September 13, 2024 1:03 PM  
**To:** W. Iain Scott  
**Cc:** John Hayes; Cale Henderson; Bert Liverance - Reeve; Alice Barton - CouncillorWard4B; David Ashley - CouncillorWard4A; Rick Zanussi - CouncillorWard4C;

[REDACTED]

**Subject:** Re: Archipelago revised tree by-law needs further amendments

To Reeve Liverance, Councillors Ashley, Barton and Zanussi, Mr. Henderson and Ms Elphick,

Phyllis and John Lill strongly oppose the proposed amended Tree Preservation by-law. We fully support the views expressed by Iain Scott.

Further we find the concept of the high water to 7.5 m restriction and the definition of clear-cutting in the draft by-laws so flawed that this brings into question the suitability of the advisors that are being retained to work on this matter.

Phyllis and John Lill  
Peacock Island  
B434

On Sep 10, 2024, at 8:08 AM, W. Iain Scott [REDACTED] wrote:

I support the views expressed by John Hayes and strongly oppose this proposed overreach by the Township.

However, I do not agree that the extensive opposition to the proposed bylaw can be addressed by a few simple amendments.

If, in fact, there is a serious problem that needs to be addressed legislatively the Township needs to start again with a better informed and more transparent process.

Iain Scott Blueberry B-474 & Windswept B-472.

## Cale Henderson

---

**From:** Dougal Macdonald [REDACTED]  
**Sent:** September 23, 2024 11:20 AM  
**To:** Rick Zanussi - CouncillorWard4C  
**Cc:** David Ashley - CouncillorWard4A; Alice Barton - CouncillorWard4B; Bert Liverance - Reeve; Cale Henderson; Maria Pinto  
**Subject:** Re: Proposed Site Alteration and Tree Preservation By-laws

Good morning. Let me begin by thanking all of you for your efforts to find a solution to the vexing problem of protecting our natural environment. It is a very delicate balance given both the compelling objective of doing so and the generally long history of cottagers behaving in a way that respects the environment versus a few instances of rogue behaviour that are inconsistent with the objective. It is not an easy needle to thread.

I have read many of the other responses to the revised By-laws. I do not subscribe to some of what I would describe as perhaps overly strong language in response, especially since I know your intentions are good. Having said that, I also don't think you have got it quite right notwithstanding your obvious efforts and thought in trying to do so. Unfortunately, I'm not sure what the solution is but I don't think you want the Archipelago to be in the business of approving every act of pruning or cutting that is modest in nature and I also don't think you want cottagers to have to go through a whole approval process, including getting a professional opinion, for these types of modest alterations.

One solution that was proposed was allowing up to 25% of shoreline buffer area to in effect be exempt. I have more than 1,000 feet of frontage so that would mean that I could clear cut up to 250ft of frontage. I would not be supportive of this. I am thinking that perhaps you should allow something like up to say 10 or 20 trees to be cut in the shoreline buffer area over a rolling 3 or 5 year period without approval. New trees are growing up every year and eventually impede views. You may want to have different permitted culling depending upon the frontage. If someone has a 100ft frontage, 10 or 20 trees may be a lot. On my property, it would not be noticeable unless it was all in one small area. I do think cottagers should be permitted to limb trees as needed for views. On bushes, juniper, etc, I like all of the ground cover but some cottagers don't like it. I think you should focus on the removal of earth to control this aspect. Nature is unrelenting and as long as there is earth, plants will grow. Generally, people remove these plants because they want to remove the earth and expose the rock. Again, I don't have the solution but I don't think you want to be in the business of approving the pruning or removal of juniper bushes.

I want to thank you all for your obvious efforts to get this issue right. I applaud you. Nonetheless, I do think that you have more work to do to get the balance right. I am happy to discuss at any time.

Best regards, Dougal

**Dougal Macdonald**

[REDACTED]  
Mobile: [REDACTED]

On Jan 25, 2024, at 2:50 PM, Rick Zanussi - CouncillorWard4C  
[REDACTED] wrote:

## Cale Henderson

---

**From:** Ed Daley [REDACTED]  
**Sent:** September 9, 2024 2:12 PM  
**To:** John Hayes  
**Cc:** Cale Henderson; Bert Liverance - Reeve; Alice Barton - CouncillorWard4B; David Ashley - CouncillorWard4A; Rick Zanussi - CouncillorWard4C; [REDACTED]

**Subject:** Re: Archipelago revised tree by-law needs further amendments

I am also strongly opposed to the proposed Tree Preservation by-law and fully support John Hayes' position as written below on behalf of us as Archipelago taxpayers.

Regards  
Ed Daley

On Sep 9, 2024, at 11:09 AM, John Hayes [REDACTED] wrote:

Hello Reeve Liverance, Councillors Ashley, Barton and Zanussi, Mr. Henderson and Ms Elphick,

I'm writing to register my opposition to the Tree Preservation by-law as drafted in May of this year.

You have heard from many in the community who oppose this by-law:

- At the in-person Town Hall on August, 12 attendees spoke against the by-laws versus 2 in support.
- At the virtual town hall later in the month, 9 people commented against the by-law. None spoke in favour.
- The SSCA ran a survey and received input from 68 members. Of those, 76% said the tree preservation by-law was either far too restrictive (59%) or somewhat too restrictive (17%).
- Many taxpayers have written to you individually to register their objections to the by-law.