

- Private interests:
 - Taking over Bala
 - Threatening businesses
 - Intimidating residents
- Against the Township's by-laws
- For a project that would endanger people who use the Township's municipal docks

It is time for Muskoka to begin recovering from this low point

Intimidating residents



Sidewalk blocked

Even after this particular disruption, there will be months more of others

Sidewalk blocked

- Some say it would be best to facilitate the proponent's work rather than prolong the mess
 - This could be acceptable if Bala would eventually benefit
 - But this **proposed project will create extreme new dangers** and forever **threaten visitors and local businesses**
- The Township should not be part of this
 - Therefore, should **not favour the proponent over residents' safety**

Obligations in Township's July 13, 2016 Lease

This obligation resulted in by-laws 2016-161 through -163

11. Landlord's Covenants

The Landlord covenants and agrees with the Tenant:

- (a) for quiet enjoyment by the Tenant of the Premises subject to performance by the Tenant of all its obligations under this Lease;
- (b) that no mortgages, encumbrances, liens or other adverse title claims will be registered against or otherwise affect title to the Premises in priority to the Tenant's interest under this Lease; and
- (c) that it will immediately upon execution of this Lease arrange for its Council to pass By-Laws providing for each of the following during the term of this Lease and all extensions thereof:
 - (i) Amending, or exempting the Premises from, any Township bylaws that will restrict the Tenant's ability to use the Premises for the uses set out in this Lease, including without limitation an exemption from the Tree Preservation Bylaw 2008-55, Heritage Conservation District Bylaw 2014-131, Noise Bylaw: 2005-83 for dewatering purposes, Site Alteration Bylaw 2008-56 and Heritage Designation Bylaw 2013-52;
 - (ii) Enacting no parking restrictions on the north side of Bala Falls Road between Purk's Place / CP Rail lands and District Road 169; and
 - (iii) Exempting the Premises from the payment of all taxes, including local improvement rates, assessments and other charges, rates, duties, licence fees or levies of every nature whatsoever during the term of this Lease and all extensions thereof.

- Township's Lease obligation: *"exempting the Premises from any Township bylaws ... including the ... Noise Bylaw 2005-83 for dewatering purposes"*
 - Only obligation is to permit proponent's overnight pumping of water from their excavation
 - There is **no obligation to allow after-hours construction**

Noise Control by-law 2005-83



4. The operation of any construction equipment or in connection with construction; or the operation of a chain saw.	C	C	C
C – 21:00 one day to 06:00 next day Sunday to Friday, 21:00 one day to 09:00 next day Saturday (9:00 p.m. to 6:00 a.m. Sunday to Friday; 9:00 p.m. Saturday to 9:00 a.m. next day)			

- Allows construction work only:
 - 6:00 am to 9:00 pm Monday through Saturday
 - 9:00 am to 9:00 pm Sunday
- This is fair and should apply **equally** to all

By-law exemption by-law 2016-161

4. Despite the provisions of the Noise By-law, during the term of the Lease, it is lawful for SREL, its employees, contractors, agents, heirs, legal representatives, successors and permitted assigns to emit or cause or permit the emission of noise in connection with:
- a) the 24-hour-a-day, seven-day-a-week, operation of electric portable water pumps; and
 - b) the operation of construction equipment.

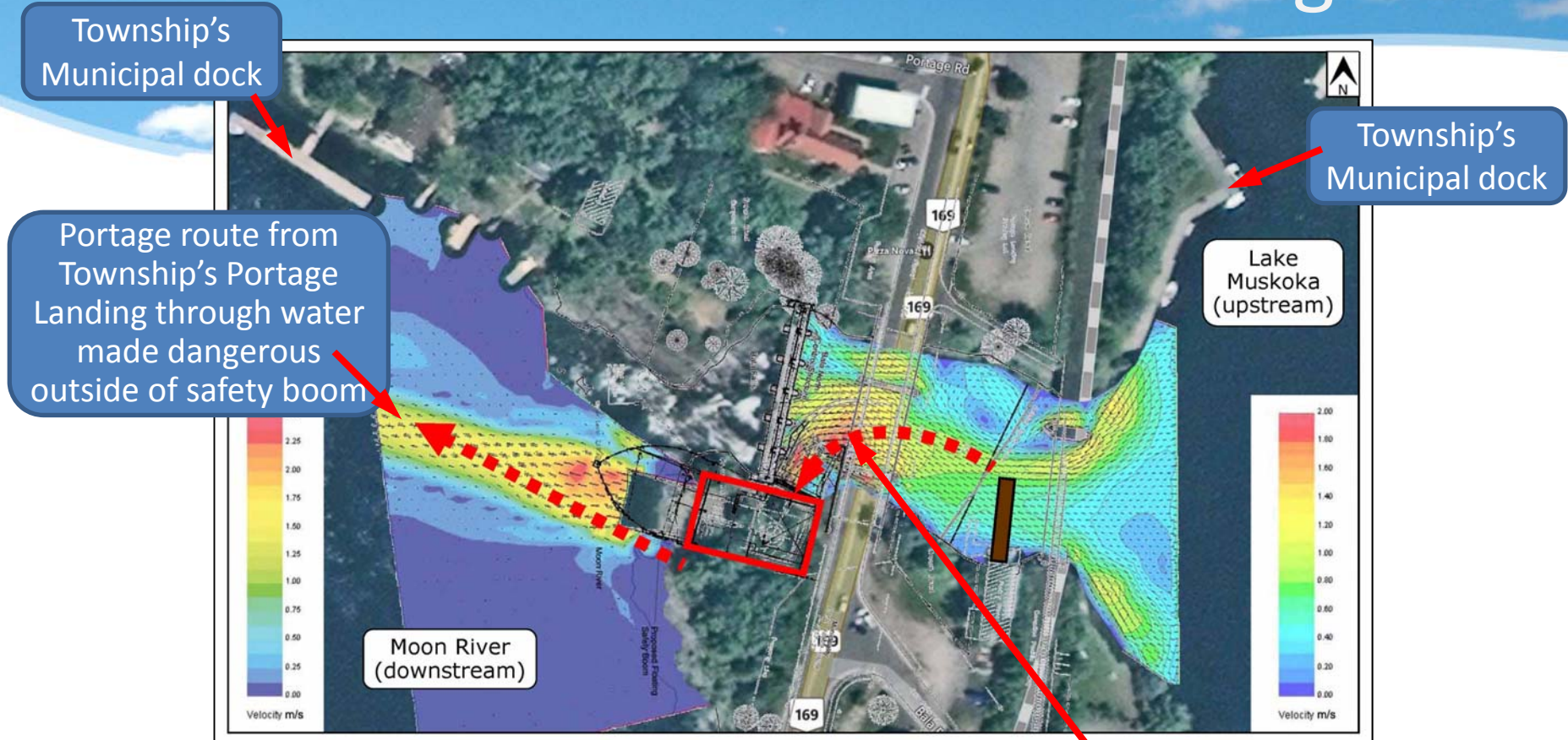
Only the operation of water pumps is permitted 24-hours-a-day

- Lease obligation resulted in passing by-law 2016-161:
 - Exempts the proponent from the Township's Noise Control by-law
 - This exemption by-law **does not permit construction 24-hours-a-day**, though the Township has been allowing such after-hours work
- Also exempts proponent from Dark Sky by-law 2014-29
 - But lighting exemption is **only** for "*normal security practices*"
 - **Not** for active construction
- The Township has been favouring the proponent more than necessary, at the expense of residents

Public safety concerns

- Our polite way of saying: It appears the proposed project would drown unsuspecting tourists
 - Near-by facility one-tenth the size caused the drowning of a 16-year-old boy in 2009 – **the danger is real**
 - Would be **unprecedented** to locate such an extremely dangerous facility in the middle of a popular in-water recreational area
 - Yet the proponent **refuses** to show how – or if – they could safely operate, or even **adequately warn** of the extreme dangers created
- An expert organization, the Royal Life Saving Society Canada, determined: *“The proposed installation of a hydroelectric generating station adjacent the Bala North Falls dam **would create extreme new dangers, to both upstream and downstream in-water recreation.**”*

Would create extreme new dangers



- Someone falling out of a canoe at Purk's Place would be carried to the 33'-wide x 33'-deep intake in just **45 seconds** (55 m at 1.2 m/s)
 - And held there until they drowned by the 100 tons/s of water

Request 1 – Sidewalk closures

- Request District Municipality of Muskoka to consult with the Township of Muskoka Lakes before any future sidewalk or lane closures are allowed

Request 2 – Enforce Noise Control and Dark Sky by-laws

- Enforce the Noise Control by-law 2005-83, as is permitted by by-law 2016-161:
 - Allow dewatering pumps to operate
 - But no other construction work after-hours
- Enforce the Dark Sky by-law 2014-29 as is permitted by by-law 2016-161:
 - Allow lighting for “*normal security practices*”
 - But not for construction purposes
- Send written notification of this to the proponent

Request 3 – Dangers

- The Township of Muskoka Lakes request the Ministry of Natural Resources and Forestry that:
 - Until the proponent provides a safety plan acceptable to the Royal Life Saving Society Canada, that the proposed project not be permitted to operate during the in-water recreational period of May 1 through to the end of the Thanksgiving long-weekend
- Risk management includes this precautionary principle of *“prudent avoidance”*
 - You do what you can to avoid drownings of people using the Township’s docks
- Otherwise there could be liability and insurance implications for the Township

Request 4 – Site visit

- I would appreciate the opportunity to meet any Council members at the site to better show these concerns