



Membership News...page 2  
MPAC Property Assessment...page 3-4  
Cottager and Newsletter Update...page 4  
Municipal Affairs...page 4

Recreation Program...page 5  
Recreation Program Job Postings...page 6  
Cottager/Boater Coexistence...page 7-8

## President's Message

*Doug Deeks*

If you dropped anything from your dock in recent years, this fall has definitely offered up an excellent opportunity to retrieve lost items from the lake bed. Having been out on the Bay in November it was with some interest that I observed the east bay of Minnicog being virtually empty of water; it was like the tide was out. As I stared at the grand expanse of shoreline, I became somewhat perplexed as to how I would winterize our dock system (indeed, the reason for which I was there) as the floaters were all beached, and as it stands now, will remain that way until spring when hopefully some change of course will cause

them to float again. At least the beavers aren't likely to find them too attractive this off-season!

One thing observed and learned in this low water, is to remove the dock ladder as ours was already touching bottom and was soon to be torn from the dock frame by the encroaching lake bed.

Lakes Michigan-Huron have met the all-time low water level for both October and thus far in November and with fair weather forecast out to the end of the month, I expect November will establish a new low record. In the short term, what comes next will depend on precipitation and temperature and outflows to the lower lakes. The importance of advocacy on this issue has never been

greater. Please see some very good material in the GBA Update and Georgian Bay Forever Quarterly on this and other subjects enclosed in this mailing.

It is the time of year for planning and the little observed operation of the CCA Winter Patrol. Dennis has begun the first of his three rounds and we will have an update from him on status of the area to be shared in the coming weeks by email. On the planning side, we have significant efforts being undertaken by the Recreation, Planning and Membership committees. In this package you will find the membership renewal forms with addressed envelope, the "Cottager" contribution request and the Recreation Program job applications.

In the membership renewal you will notice a fee increase of \$10. \$5 of this is associated with your GBA membership which is automatic with your CCA membership and \$5 is associated directly with the CCA.

The GBA portion of your fees increases to \$45 of the CCA total with that increase going towards the GBA's efforts to address, among other things, water levels. See GBA's executive Director, Bob Duncanson's, recent update on meetings at the federal level with Ministers Baird, Clement and Kent on water levels to get some insight as to what GBA has been up to and what is planned going forward.

You will have seen the request for input to the Recreation Program which was circulated last month, and I am pleased to report that over 50 families responded with comments and ideas for the program. This amount of feedback provides an excellent start to the recreation committee's job of refreshing the program and ensuring that it remains a principal part of the community going forward. The recreation committee will report on its plans for 2013 in the next newsletter.

Planning continues to occupy much attention for your Board, with the Township Official Plan review still progressing slowly and the input to the Committee of Adjustment on applications for variances to the existing by-laws taking place. Planning has been a contentious subject in some parts of the community as the CCA has stood up to support the Cognashene

Community Plan and its accompanying set of by-laws. Though established, these by-laws have had little effect on their own as far as the Township Planning Dept has been concerned. Property owners have been advised to turn ideas into plans and plans into dreams, only to discover well into the development process that they are in conflict with the by-laws of the area. This has put everyone from the members of the Committee of Adjustment, to neighbours, to the CCA in at times very difficult circumstances. It is with the Planning Department that responsibility lies to properly assess and advise people on what is permissible under the by-laws of the area and what is in keeping with the overall intent of the local planning legislation. It is with the community that responsibility lies to feed back to the Planning Department and Council just how important adherence to the by-laws is. While the CCA and the other cottage associations from the GB Coastal communities have a voice with the Township, the strongest voice in the neighbourhood and the one that causes things to get done happens to be yours. Oversized development of undersized properties have gone both ways in the last few months based entirely on what the neighbours have said.

The newly formed membership committee is off to an excellent start, at least in terms of talent (with results to show at a later date...). Conscripted to the role of Committee

Chair, Chris Hawley will at least attend a lot of cocktail parties next summer getting his ears as close as possible to all of the voices out there and his latest recruit, Susie McGibbon, will ensure that something productive and long lasting in effect takes place. Our current and future members couldn't be in better hands!

Finally, there are a couple of good pieces in this issue, one on MPAC and the recent assessments that you will have received and the other on the increasing presence of mooring cruisers in the sheltered bays of the area.

As always, I would be pleased to hear from you on any item that you would like to discuss or receive more info on. This is likely a final note to 2012 and so I wish health and happiness to all for what lies ahead at Christmas and further on into 2013.

Best wishes

Doug

[Dougdeeks@gmail.com](mailto:Dougdeeks@gmail.com)

## MPAC Property Assessment...Janet Cox



By now you should have received your MPAC property assessment as of January 1, 2012 for the cottage. Ours came in at some 24% above the 2008 assessed value. Assuming cottage country values reflect, to some degree, values in Toronto, the increase for our property is in line with the Toronto average of 22.8% (the average for Ontario is 18%). The assessment increase is phased in over four years, after which MPAC will reassess values again as of January 1, 2016.

I'm told we are to expect normal inflation related tax increases in 2013. Beyond these normal increases, however, you will have higher taxes if your assessment percentage increase is

greater than the average percentage in the Township.

Perhaps my main message is that, through the assessment process, we can argue whether or not we should pay more or less than our neighbours, yet fundamentally, our main job is to try to keep municipal budgets in check.

### So How Much Will Property Taxes Increase?

Current value assessment is just one part of the calculation. The other parts are the municipal tax rate and the education tax rate set by the Province, producing the following formula:

Current Value Assessment x (Municipal Tax Rate + Education Tax Rate) = Your Property Tax

Furthermore, since we also have two tiers of municipal government, both the Township and the District set their own rates. The distribution is roughly 50% for education, 26% for the District and 24% for the Township.

Assuming flat-lined municipal and education budgets (an optimistic assumption), assessment affects how much property tax you pay only to the extent that your property has increased by a greater percentage than the average, leading to a shift in tax burden. The education tax rate for residential property is set at 0.221% of assessed value. So, as our increase averaging 24% is above the provincial average of 18%, it looks like we will be paying a larger proportion of the education tax.

MPAC's website provides information on average assessed value changes from 2008 across the province. For the Township of Georgian Bay, the average phased-in increase for 2013 is 3.21% (which translates into an average increase in values of some 13.5% from 2008 because of the four year phase-in). So with an increase of 24%, again it does look like we'll be paying somewhat more in taxes next year.

The situation is further complicated because values in the Township of Georgian Bay have increased considerably more than values in the other municipalities within the District of Muskoka, some of which have had an overall percentage decrease in assessed values. While our Township will see an average increase of 3.21% next year, in Gravenhurst it's just 0.04%. In Huntsville it's a decrease of 0.034%; in Bracebridge, a decrease of 0.36%; in Lake of Bays a decrease of 0.84%; and, in Muskoka Lakes a decrease of 2.14%. The result will be an additional tax burden to our Township. (continued page 4)

So, all in all, we're expecting a larger tax bill. On the other hand, we think we'd be hard pressed to argue that our assessment is above current market value.

As a result of your collectively expressed concerns, the Township is trying to get the local MPAC offices (Parry Sound and Bracebridge) to field public meetings in both the Township and the GTA. We will keep you advised as to where and when these may be happening.

For further information about current value assessment, how MPAC goes about its business, and how to appeal, please reference the longer article that will be available on the CCA website shortly.

## Cottager and Newsletter Updates...*Laura Adams*

Just a reminder to start downloading your photos and jotting down story ideas for the next edition of the "Cognashene Cottager". When sending photos please include who took the shot, as well as a bit of information about the picture: names of the individuals, the event, and/or location.

Apart from your personal memories of last summer, we would also like to gather some information about any upcoming events that you may know of for the spring/summer/fall of 2013. Anything that you think may be of interest to our cottage community.

Last, but not least, do you have a business, service or product that you think might be of value to our membership? Please send me your company name, a bit of information about what you do, and your website. The plan is to include a page or two to help promote our members. Who won't want to know that the guy on the next island is a licensed electrician willing to help, or the mom who shows up in the battered 9.9 at the beach would be happy to assist you with a legal jam.

Please visit [www.cognashene.com](http://www.cognashene.com) for contact information, registration forms, events and dates. Watch for the next CCA Newsletter coming to you towards the end of February.

Submissions are due by Tuesday January 15, 2013.

Please send them to:

Laura Adams

5 Sunnylea Avenue East, Toronto, ON M8Y 2K2

or

[lauraeadams@sympatico.ca](mailto:lauraeadams@sympatico.ca).

## Recreation Program...*Ann Nicholls and Jane Starr*

We would like to thank everyone who responded to the Recreation Program Survey! With over 50 responses, as well as additional emails that were sent, we were overwhelmed by the responses. We have had some very positive feedback with regards to the Recreation Program, as well as many valuable suggestions as to how we can better meet the needs of our community.

As we continue to review the responses, we are looking at making a few programming changes to the schedule and are hopeful that they will be beneficial to all members of the program. Hilary Adams has informed us that she will not be returning to the beach as Head of the Program, leaving a big pair of shoes (or flip flops) to fill. Anyone who is interested in working in the Recreation Program is welcome to send along their resume and cover letter, specific requirements and skills required are posted below.

We are also in the early planning stages of our "Back to the Beach" event. We are looking forward to welcoming back former instructors and participants of the Cognashene Cottagers Association Recreation Program for a special event next summer. It will be a chance for people to revisit the beach and share their memories about the program. The date will be confirmed soon so look for it in your next CCA update. Dig deep in your photo albums to bring pictures that you can share with others.

Again, thanks to everyone who offered their ideas and suggestions. We are taking them very seriously as we look to provide another amazing summer in Cognashene. It is not too late to send along any other comments. Please send them directly to me ([daveandannie@sympatico.ca](mailto:daveandannie@sympatico.ca) or Jane Starr [janestarr23@gmail.com](mailto:janestarr23@gmail.com)).

### Job Posting...

For the summer of 2013 we will be looking for a Head Program Director, Head Swim/Sailing Instructor, Instructors and Assistant Instructors, as well as Volunteers. We would like to hire the Head Program Director early in the new year, and the remainder of the staff soon after, based on our new program schedule.

### Please see details below:

We are looking for motivated, organized, enthusiastic, and energetic individuals who enjoy working with children, to provide a full range of recreational activities for the Cognashene Cottagers' Association

Recreation Program. Email your resume and cover letter to [Janestarr23@gmail.com](mailto:Janestarr23@gmail.com) and [daveandannie@sympatico.ca](mailto:daveandannie@sympatico.ca), or mail to Jane Starr 24 Edgehill Road, Toronto, ON M9A 4N3. Many Thanks!



**Assistant Program Director**

*Employment Period:* June through August

*Requirements:*

- University/Community College Student
- Familiar with the Recreation Program
- Current Instructor (Red Cross and LSS),
- NLS and First Aid/CPR certificates
- Strong communication, organizational and Leadership skills
- Access to boat (30hp) and boating license
- Willing to teach all levels

**Head of Swimming/Sailing**

*Employment Period:* July through August (8 weeks)

*Requirements:*

- University/Community College Student
- Experienced Swim Instructor
- Familiar with teaching Bronze Levels
- Current Instructor (Red Cross and LSS),
- NLS and First Aid/CPR Certificates
- Able to assist with all aspects of the program
- Access to boat (30hp) and boating license

**Instructors**

*Employment Period:* July through August (8 weeks)

*Requirements:*

- High School, University/Community College Student
- Current Instructor (Red Cross and LSS)
- NLS and First Aid/CPR Certificates
- Access to boat (30hp) and boating license
- Interest in swimming, sports, arts, crafts, sailing, canoe trips

**Assistant Instructors**

*Employment Period:* July through August (8 weeks)

*Requirements:*

- High School Student
- Bronze Cross
- Standard First Aid with CPR
- Assist with swimming, sports, arts & crafts, sailing, canoe trips
- ASWI instructor encouraged

**Volunteers**

*Employment Period:* Please indicate availability

*Requirements:*

- 14 years of age
- Have or be enrolled in Bronze Cross
- Helping with swim lessons and other aspects of the program
- Hours worked will qualify for volunteer hours

**“Back to the Beach”**

As you will have read in this newsletter, the Recreation Program is planning to host a summer gathering to invite everyone who has ever worked, played or socialized back to the beach to celebrate.

To that end, the “Cottager” is planning a piece on the history of the Recreation Program, and what it has meant to our cottager community. If you have memories, photos or any information that you would like to share please contact me @ [lauraeadams@sympatico.ca](mailto:lauraeadams@sympatico.ca). Feel free to call me at 416-236-8267 if you would prefer.

Does anyone know when the program actually began (maybe this is a big birthday!), or perhaps who taught that first class?

Submission deadline is Tuesday, January 15, 2013.

Many thanks, Laura Adams

## Cottager – Boater Coexistence...Bob Snider

Rest and Relaxation on Georgian Bay is a treasured activity that is enjoyed by cottagers and boaters alike. At times though, the interaction between the two groups has become strained over issues such as anchoring rights, shore access, environmental concerns, and safety.

In order to understand the situation within the legal context, I undertook a review of the Canadian Constitution, Canada Shipping Act, Federal Boating Restriction Regulations Massasauga Park lawsuit, Ministry of Natural Resource's Free Use Policy and Ontario's Trespassing to Property Act, for the CCA Board. What follows is a summary of my findings.

### **Constitution Act**

At the highest level, the Constitution Act gives the Federal government exclusive legislative authority and jurisdiction over all Canadian waters used for Navigation and Shipping.

### **Canada Shipping Act**

The Federal Government's legislative authority is enacted through the Canada Shipping Act. The Act states that the Minister of Transport may make regulations to regulating navigation, anchoring, mooring or berthing of vessels for the purposes of promoting the safe and efficient navigation of vessels and protecting the public interest and the environment. Every boater, whether cottager or boater, is subject to the same regulations for vessel safety equipment, navigation lights and pleasure craft operator certificates.

Anchoring is permitted under the Act as part of Navigation. The Courts have repeatedly noted that there is a common law right to navigation, which includes a right to anchor, but have said this was a right to anchor for a reasonable time, not permanently.

### **Boating Restriction Regulations**

The Boating Restriction Regulations, made pursuant to the Canada Shipping Act, provide for the establishment of restrictions to boating activities and navigation in Canadian waters. The restrictions can prohibit boats from specified areas, restrict the mode of propulsion used, specify engine power or speed limits, or prohibit water-skiing activities and regattas with respect to location and time. The Boating Restriction Regulations are used primarily to address safety concerns where no other Act, regulation, or regulatory regime applies.

Applications for a boating restriction must establish that there is a need for a designation under Federal regulations, clearly identifying the problem and contributing causes, documenting the public consultation that has been carried out and identifying that enforcement is practical and that this responsibility is accepted by an appropriate enforcement authority.

The speed zones in Honey Harbour and along Freddy Channel have been established under the Boating Restriction Regulations.

### **Massasauga Park Debacle**

In 1997, the Ontario Ministry of Natural Resources (MNR) introduced a policy of charging for overnight anchoring in the waters of Massasauga Provincial Park. An anchored boater challenged the policy by fighting a ticket that was issued after refusing to pay the fee, arguing anchoring in navigable waters was a constitutional right protected by Ottawa through the Canada Shipping Act with which the province cannot interfere. The boater won his case. The province appealed and the boater won again. MNR ended its anchoring fee policy in Massasauga Park.

## MNR Free Use Policy

In 2004 the Free Use Policy was developed by the MNR, partly in response to the lack of clarity after the lost appeal in the Massasauga Park suit. The Policy's goal is to "ensure the continuing availability of ecologically sustainable outdoor recreational opportunities and limited free uses of public land consistent with this policy." The policy covers:

Transient Visitation to Crown Land such as hiking, boating, canoeing, cross country skiing, the operation of off-road vehicles (e.g. snowmobiles), bird watching, horse-back riding, non-regulated resource harvesting (e.g. berries, mushrooms).

Recreational Camping where a (camp)site may only be occupied for a maximum of 21 days in a calendar year. The person and the camping unit must move a minimum of 100 metres to a new site after 21 days.

Navigational Uses - Activities enjoyed while traveling on navigable waterways as provided for under the public right of navigation, which includes the right of reasonable moorage. Reasonable moorage in the policy is considered to be 21 days for transient vessels or unlimited for vessels mooring over the Crown owned bed of a navigable waterway by the owner of adjacent waterfront property. This right does not extend to floating cottages, dwelling, etc. unless the operator is exercising the right of

reasonable moorage while traveling. The policy also allows for any mooring required due to weather, mechanical or life threatening emergency only, length of time determined by circumstance.



## Trespass to Property Act

Access to private land is covered in the provincial Trespass to Property Act. The Act sets out that entry onto property may be prohibited by posting notice to that effect and that entry is prohibited without any notice on property where the land is a garden, field or other land that is under cultivation or land that is enclosed (fenced) in a manner that indicates the occupier's intention to keep persons off the property. In other words, if the private land is an unfenced area that is not cultivated, with no postings prohibiting entry, then entry is permitted under the Act.

If as a property owner you find individuals on your property you may ask them to leave regardless of whether or not "no trespassing" is posted. It is recommended that if they refuse to go, that you do not get into an argument, but simply return to your home or cottage and call the police or, if they are hunters, you may also call the Ministry of Natural Resources.

## In closing

The Eastern shore of Georgian Bay, including the Cognashene area, is and will continue to be, a popular and treasured area for cottagers and boaters. Some of the boaters and cottagers will have travelled thousands of miles to see and be part of this beautiful fresh water archipelago. At times it will take great effort to coexist and to show mutual respect of the rights of each group. The CCA Board is concerned with the issue of Cottager-Boater Coexistence. In a follow-up news letter we will look at such topics as wakes, grey water, garbage, fires and noise.



*Merry Christmas, Happy holidays...and all the best in 2013!*