

**Private Cottages  
in  
Algonquin Provincial Park**

**A Policy Proposal**

**October 29, 2012**

# Introduction

In an effort to encourage tourism, the Ontario government made cottage lots available, first in Rondeau Provincial Park and then in Algonquin Provincial Park – the two oldest parks in the Ontario parks system – as early as 1894. From 1894 to 1950, cottage leases with a 21 year term and a renewal clause were issued in the two parks. In a limited number of cases in Algonquin, private cottages were authorized through the issue of other forms of tenure; however, the terms and conditions were the same or similar to leases. These two parks (i.e. Algonquin and Rondeau) are the only provincial parks where cottage leases were made available.

In 1954 (in conjunction with the passage of the first *Provincial Parks Act*), the government reversed its policy of supporting private cottages in provincial parks, and instead endorsed a policy to provide for the restoration of provincial parks as near as possible to their natural state. Holders of an existing private cottage lease were informed that they would be able to stay for the then-current term plus an additional term of 21 years, to provide adequate time for the leaseholders to adjust to the change in policy. The end date for the private cottage leases was reviewed and subsequently extended by policy and regulation in 1978 and then again in 1986. The current end date of December 31, 2017 for all private cottage leases in Algonquin and Rondeau is reflected in program policy, regulation under the *Provincial Parks and Conservation Reserves Act*, the applicable park management plan and the specific lease document.

Private cottage tenure currently exists for 303 parcels in Algonquin Provincial Park with 326 cottages (several cottage lots have from two to four cottages). Cottage tenure is in the form of 285 leases, 10 licences of occupation and 8 land use permits. The cottage structures range from small, rustic cabins to more elaborate buildings, some of which are capable of year-round occupancy. Tenure holders currently pay rent and service fees and most pay tenant taxes. Property assessments are currently being completed by the Municipal Property Assessment Corporation, and at the end of that process all of the Algonquin private cottage tenure holders will pay tenant tax.

This policy proposal does not address cottage policy for Rondeau Provincial Park. In the fall of 2010, a policy proposal to extend cottage leases in that park was released. As a result of strong and polarized responses, further environmental and economic studies have been initiated. Those studies, when completed, will help to inform future discussions about the Rondeau cottages and be considered along with the overall context of the protection of the natural and cultural values in the park, and the interests of leaseholders and the public.

# Algonquin Cottage Policy Proposal

The Ministry is seeking public comment on this policy proposal that would allow private cottage use of park lands currently used for that purpose to continue beyond 2017. In summary, the proposal is to give those parties who hold private cottage tenure in Algonquin Provincial Park a time limited opportunity to enter into a new lease, subject to eligibility requirements and new lease conditions that would extend the existing private cottage leaseholder's term of occupation until December 31, 2038. The proposed new lease conditions (e.g. limits on development) and eligibility requirements (e.g. fees and taxes paid up to date) would reduce environmental impact of the cottages while making sure that leaseholders are paying their fair share.

The following sections describe the specific elements of this proposal in greater detail that would result in an amendment to the Ontario Provincial Park: Planning and Management Policies (i.e. provincial park policy).

## **Current Policy**

Current park policy addresses private tenure in relation to cottages in Algonquin Provincial Park as follows:

*Ontario Provincial Parks: Planning and Management Policies (1992 Update)*  
Section III  
3.2 Park Management Policies  
3.2.5 Environmental Management  
a) Lands and Waters  
5<sup>th</sup> bullet

*Current park policy states that "cottage leases in Algonquin and Rondeau Provincial Parks ... have a termination date of 2017."*

## **Proposed Policy**

The proposed change to the policy includes:

- A provision that would allow the tenure for existing private cottages in Algonquin Provincial Park to be extended to 2038 (i.e. 2017 plus 21 years) subject to eligibility requirements and potential limitations on transferability. The form of that tenure would be a new lease.
- A provision that would provide private cottage tenure holders in Algonquin Provincial Park, as of a date to be specified by the Ministry, a time limited opportunity to enter into a new lease subject to eligibility requirements. Eligibility requirements could include:

- currently hold private cottage tenure (i.e. lease, licence of occupation or land use permit);
  - payment, in full, of any fees or taxes that are in arrears;
  - submission of a new property survey completed at leaseholder expense should one be required;
  - submission of the results of a septic inspection completed within the last 10 years and records to show that any required remedial action has been completed;
  - submission of a leaseholder statement that no alien (non-native) flora has been introduced by the leaseholder or that any alien flora that have been introduced have been removed;
  - submission of a leaseholder statement that they are in compliance with all conditions of their current lease;
  - removal of any unauthorized off lease structures, and
  - tenure holder agreement to relinquish their existing tenure upon the effective date of the new lease.
- A provision that would allow current cottage tenure holders who do not accept the time-limited opportunity to enter into a new lease to remain, subject to the conditions of their existing tenure including the December 31, 2017 expiry date.
  - A provision that would provide certain content for the new lease for private cottages that could include:
    - an effective date of January 1, 2017 (tentative) and an expiry date of December 31, 2038;
    - identification of a primary contact and a secondary contact if there are two or more names on the lease document;
    - any limits on the transferability of the lease that have been established;
    - limitations on the use of the leased lot such as:
      - for recreational use only, not for use as a permanent or principle residence;
      - subletting (i.e. renting) of the cottage would not be permitted;
    - conditions to maintain the ecological integrity of the park;
    - market value based rent;
    - full cost recovery service fee;
    - a requirement that leaseholders pay all applicable lease fees (i.e. rent), service fees and land taxes;
    - the Crown would retain the right of first refusal to purchase improvements on a willing seller/willing buyer basis; and
    - leaseholders would be accountable for site remediation upon expiry of the lease.
  - A provision that specifies limits on the transferability of the new lease. The new lease will address transferability (i.e. administrative requirements for

transfers and any limitations on those transfers) based on guidance included in the policy. Ideas for possible limitations on transfers provided as part of the consultation on this proposed policy will be considered.

- A provision that specifies that the new lease will include certain conditions to address the environment as well as identifying those conditions. The environmental conditions could include:
  - emphasis that certain Acts and Regulations apply to the leased lot;
  - emphasis that certain sections of Ontario Regulation 347/07 Provincial Parks: General Provisions apply to the leased lot;
  - a requirement for periodic inspections of septic systems and time limits for completion of any remediation required;
  - no expansion of any existing lawns and gardens;
  - limits on the use of pesticides;
  - limits on species of vegetation that may be planted;
  - no new shoreline alteration;
  - limits on the burning of garbage;
  - no personal composters;
  - requirements for the safe storage of fuel and chemicals; and
  - limits on the use of generators.
  
- A provision that specifies that the new lease will include certain conditions to limit development (i.e. maintenance and construction standards) as well as identifying those conditions. The limits on development could include:
  - no new structures of any kind are permitted (with the exception of one cottage and/or dock where one does not currently exist);
  - no expansion of existing structures is permitted;
  - existing structures may be maintained;
  - replacement of existing structures may be considered. If replacement is permitted, the footprint (i.e. area of the existing structure) will not exceed the footprint of the original structure;
  - replacement buildings shall not exceed one storey and roof slope on these replacement buildings shall not exceed a 6:12 pitch;
  - replacement buildings shall be painted, stained and roofed in a colour that will blend with the natural surroundings (brown, green).
  - replacement structures (except boathouses and docks) must be located a minimum of 30 metres from the water's edge;
  - replacement sewage installations must be designed, installed and maintained in accordance with the Ontario Building Code and any other applicable codes;
  - no boathouse (existing or replacement) shall contain sleeping quarters, a kitchen or sanitary facilities;
  - where dock replacement is permitted, only removable docks (e.g. floating docks) will be approved; and
  - no increase in the area of hardened surfaces (e.g. no new walkways, no new patios, no new driveways) is permitted.

## **Ontario Regulation 347/07**

To implement this policy proposal, an amendment to Ontario Regulation 347/07 under the *Provincial Parks and Conservation Reserves Act, 2006* would be proposed. Subsection 13(2) of Ontario Regulation 347/07 currently prohibits a person from occupying land for non-commercial residential purposes in Algonquin Provincial Park except under a lease granted before July 2, 1954 or a renewal or extension of such a lease that does not extend beyond December 31, 2017. The proposed amendment to Ontario Regulation 347/07 would reflect any decision resulting from this policy proposal.

## **1998 Park Management Plan for Algonquin Provincial Park**

To implement this policy proposal, an amendment to the 1998 Park Management Plan for Algonquin Provincial Park would be proposed. The current plan reflects park policy and Ontario Regulation 347/07 which specify the December 31, 2017 expiry date found in the current cottage tenure documents. The proposed amendment to the park management plan would reflect any decision resulting from this policy proposal.

## **Class Environmental Assessment for Provincial Parks and Conservation Reserves**

If the proposal proceeds, the requirements of the Class EA for Provincial Parks and Conservation Reserves would apply.

## **To Comment on this Policy Proposal**

Those interested in submitting comments on this policy proposal are encouraged to submit comments through the Environmental Registry (EBR Registry Number 011-7289).

Those submitting comments are encouraged to avoid including personal information in the specific content of the comment that could be used to identify the submitting individual.

## **For more information (not to submit comments), please**

## **send your questions:**

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