

May 28 2009

Mr Jim Watson
Minister of Municipal Affairs and Housing
17th Floor 777 Bay Street
Toronto On
M5G 2E5

Dear Sir

Re Regulation governing setback of Septic System from Lakes in Ontario

The Ontario Building Code (OBC) has regulation governing septic system. This is relatively new as in the past septic were regulated through the Environmental Protection Act administered by the Province of Ontario.¹

As part of the redistribution of governance in Ontario (sometime referred to as downloading) the septic requirement were move to the OBC which effectively made municipalities responsible for this mater.

The Ontario Building Code came into being as a result of the construction industry taking exception to the inconsistencies of building requirement throughout Ontario with each municipality having their own building bylaws- The OBC has evolved into an effective mechanism to achieve consistency and eliminate confusion which previously prevailed.

I actively monitor planning issue in this area of Apsley and particularly as it applies to development on lakes which are the basis for the tourism and development industries. Over the past couple of years I have followed with great interest and participated in the development to the new County of Peterborough Official Plan and amendment applying to this are being the Township of North Kawartha. North Kawartha township and others in the County are currently developing zoning bylaws to implement policies of the new Official Plans. I reside in North Kawartha on Jack Lake and this lake is also located within the Township of Havelock Belmont Methuen which is also updating its zoning bylaw which could result in tow different development setback applying to Jack Lake.

The thrust of the new document is to protect water quality and accordingly to set back development including septic systems 30 meters (100 ft) from water bodies. Attached are 2 submissions² I have made to the North Kawartha Zoning Bylaw Committee and to the Council of Havelock Belmont Methuen Townships. I have serious concern about the mater of whether the township in fact have jurisdiction to change the requirement of the OBC which has a 50 ft setback from lake.

Informal feedback I receive allegedly coming from staff of the Peterborough County Health Unit is that despite the intension of the local councils to impose a 30 meter setback in the zoning bylaws, subject to some flexibility available to staff of the health unit to accommodate special circumstances, that in fact the requirement of the OBC will override the proposed zoning provisions. It appears to me and others aware of this that the strategy is to bluff ratepayers into locating septic back 100 ft from lakes. Local septic installer are becoming well aware of this apparent discrepancy in authority and this confusion I can assure you makes for interesting table talk at the local the restaurant.

There are lots of opinions on this subject and some more informed than others. I am writing you to assist me in clarify this mater as to whether in fact the township zoning bylaws proposed to setback septic system 30 meters from lake can be enforced when in conflict with the Ontario Building Code

I look forward to you response and would appreciate and effort to reply asap as I understand both township affecting Jack lake intend to pass zoning bylaws in the very near future

Ambrose Moran BA
Mailing address
PO Box 414 Apsley K0L1A0

Fax to expedite response -- 705 656 1569

¹ Submission dated Nov 21 2008 by Ambrose Moran to North Kawartha Zoning Committee
Submission #2 to The Council of Havlock Belmont Methuen dated April 14 2009

