

Lake Stewards Newsletter

Summer 2019

More, and Less

Changes are afoot in cottage country weather patterns, invasive species, government policies and priorities. We all need to stay on top of the issues, and this Newsletter is filled with updates on the topics that matter to waterfront property owners including boating, septic systems and re-inspection programs, rural road maintenance, and much more.

Last Fall, FOCA encouraged all our members to participate in the Ontario Municipal Elections, just a first step in your important role to engage with your municipal council. Find out more about next steps in our Guide to Municipal Engagement for Lake Associations, on the next page.

This Fall will see a Canadian Federal Election, and FOCA will be following the issues, and providing you with important updates on the platforms, as they are presented.

This Spring, the Provincial Government of Ontario announced significant policy and programming changes, including the elimination of \$50,000 FOCA received in each of the past 2 years, that funded our members' invasive species prevention programs across the province. Flood prevention resources provided by Conservation Authorities saw funding cut in half. Several Ministries of interest to waterfront property owners (WPO) face significant budget reductions as well.

In April, I sent an open letter to all our Associations, partners, and media contacts, explaining what the 2019 Ontario Budget means for our members, for FOCA, and for waterfront Ontario. You can read my entire letter, here: <https://foca.on.ca/ontario-budget-2019/>.

FOCA remains concerned that changes to Provincial priorities and funding will impact cost-shared programs and, ultimately, municipal budgets. As a significant group of Ontario's property taxpayers, any downloads to the municipal level will be reflected in our property tax bills.

One bright spot we can report is that the Lake Partner Program (LPP) of water quality monitoring – which FOCA members deliver as citizen science volunteers, in partnership with the Ministry of Environment, Conservation and Parks scientists – has its funding confirmed intact for 2019, and is set to continue for the current fiscal year.

As the pre-eminent Ontario organization, FOCA serves and represents lake associations, waterfront property owners (WPO) and waterfront communities through education, communication and government advocacy.

<https://foca.on.ca/our-work/>

I want to thank all of you who took up FOCA's "call-to-action" last fall, and wrote the Minister and your MPPs about the ongoing importance of this program. Read more about the LPP on page 13. What happens in 2020 and beyond will be a matter for future discussions, to determine how best to continue our long-term water quality monitoring efforts, so that we have scientifically defensible decision-making and an informed citizenry, when it comes to managing our waters in a sustainable manner.

Continued vigilance is called for, and we ask you to engage—and remain engaged—with your elected officials at all levels, to ensure your voice is heard. In a world of competing priorities and scarce resources, FOCA will continue to keep rural waterfront issues front-and-centre.

FOCA appreciates the ongoing efforts of our Lake Stewards, and the support of all our members across Ontario! Waterfront property owners have always been a hardy and self-sufficient bunch, and in the coming years, more will be asked of those who love the waterfront, and who want to see its health sustained for future generations.



But we may be working with less, when it comes to government funding for these important efforts, in the near-term. More than ever, it is up to all of us.

Sincerely,
Terry Rees
FOCA Executive Director

Municipal Engagement

A Guide for Lake Associations

Last year, FOCA encouraged our members to “get out the vote” for the Municipal elections, which took place across Ontario in October 2018. Now that your new Council is in place for their 4-year term, FOCA has released another member resource: “A Guide to Municipal Engagement.” This is a one-stop reference about:

- the important role played by municipalities on the issues that are key to waterfront residents
- how, and why, to engage with your municipal partners, year-round
- additional notes and partners’ tips & resources about public participation in municipal politics.

FOCA has sent a letter to the Council of each cottage-country Municipality, and we encourage your Lake Association to do the same with your local Council(s), to open or to reinforce a line of communication, and to remind them about providing timely and appropriate public dialogue on priority issues. Find tips for your own letter in the Guide, available for download here:

<https://foca.on.ca/municipal-engagement-guide/>

Rural Ontario: We’re in this, together.

NOTE: you will need a FOCA member Web Login to access the Guide, and other Members-only materials on the FOCA website.

Don’t have (or can’t remember) the Login? Send us an email: communications@foca.on.ca and we’ll send you back the details, during business hours.



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EORN's proposal would improve cell and mobile broadband services where people live, work and travel.

Learn more: www.eorn.ca

AGM & Spring Seminar Recap

At the FOCA Annual General Meeting in March 2019, the Board and Executive Director presented FOCA's 20/20 Vision – A Strategic Framework, and the 2018 Year in Review. Each of these documents is available for download, here: <https://foca.on.ca/publications/> and we encourage you to share the information with your Association members.

The 2018 Year in Review highlights FOCA's top priorities:

- Strengthening Lake Associations
- Effective Government Relations
- Science into Action
- Bridging Gaps in our Rural Communities.

The results of our 2018 Membership Survey are also summarized in the Year in Review. Among nearly 1300 respondents, we heard from over 25% of our Member Association Presidents or Chairs, who answered additional questions about membership trends and emerging issues.



Boating issues being discussed at the AGM.



When we asked what changes they were observing that affected the waterbody, the Association or their cottage country experience in general, boating issues were the most common concern mentioned, followed by short-term rental issues, and concerns about invasive species, development, and association engagement.

As a result of these survey results, FOCA featured a session on Boating Issues at our March Spring Seminar, with guest speakers from the Ontario Provincial Police and the Muskoka-region organization, Safe Quiet Lakes. FOCA members can download the slide presentations from the day's events, here: <https://foca.on.ca/2019-agm-spring-seminar/>. We hope to bring a discussion about short-term rental issues—and varied municipal responses—to our 2019 Fall Seminar. Plan to attend!

For more about boating issues, see the article on page 20, from our partners at the Safe Quiet Lakes organization, and visit FOCA's webpages:

- <https://foca.on.ca/safe-boating/>
- <https://foca.on.ca/watch-your-wake/>

Water Extremes in Cottage Country

by Terry Rees, FOCA

It was another extremely wet start to spring across waterfront Ontario in 2019. Reports from Muskoka and around the Ottawa River in particular, suggest that flood damage to waterfront structures this year will surpass 2013 and 2017 high water events.

FOCA has been asserting since 2013 that the regulations already exist for reviewing and revising the Province's Water Management Plans (WMP), but despite repeated calls on the Province from FOCA to exercise these provisions, the WMP put in place in 2006 or earlier (using climatic data from perhaps ten years or more before that) still remain in place.

Notwithstanding significant provincial funding cuts to Conservation Authorities, in May the Province announced a 'task force' to work with municipal governments in particular on community resilience. FOCA awaits the results from these discussions, and will promote a proactive and preventive approach as part of increased community preparedness.

FOCA reminds members that flood damage caused by overland flooding is not generally covered by home insurance policies in Canada (although a few may now have it available), and that seasonal properties are NOT covered by the Ontario Disaster Relief Assistance Program, a provincial financial assistance emergency tool.

Get updates, links and resources from FOCA here: <https://foca.on.ca/high-water-flood-events-in-cottage-country/>



Image courtesy Browning Island Cottagers Association

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Hydro Seasonal Class Status: FOCA Asked

FOCA wrote to Hydro One in May with questions about the status of the Seasonal Customer Class, which impacts many of our members. We received this reply from Hydro One, on May 22, 2019:

As directed by the Ontario Energy Board (OEB), Hydro One is working on an update to the report on the elimination of the Seasonal class. Hydro One shares your concerns, that those of your members, with the potentially large bill impacts, and consequently the updated Seasonal Report will include an alternate approach for addressing seasonal customer issues in a manner that mitigates the large bill impacts on a large number of seasonal customers that would result from eliminating the Seasonal class as originally directed. We expect the updated Seasonal report to be filed sometime in mid-2019 and can share any related updates with you as this progresses.



FOCA notes that the government's wide-ranging energy Bill 87, "Fixing the Hydro Mess Act," received royal assent on May 9. The Bill ended a number of conservation programs and included a number of reforms to the Ontario Energy Board. Most notably, the government promised to hold future electricity rate increases to the rate of inflation, and transferred the Fair Hydro Plan from the rate base to the general tax base. FOCA will post updates here, as we receive them: <https://foca.on.ca/electricity-pricing/>.

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Mineral Exploration

A Member Success Story

FOCA applauds the significant efforts of several of our member groups in Limerick Township of Hastings County, who rallied over a proposed mining project on the north shore of Steenburg Lake.

Through collaborative efforts, multiple meetings, media coverage, and the formation of local task forces that engaged stakeholders including the Alderville First Nation, the project appears to have been shelved.

Quick Overview

A mineral extraction company had been operating under an Exploration Plan for early exploration works which was valid until May 2019. This held the company to certain conditions and obligations, including providing written notice of intent to any affected surface rights owners (i.e., local property owners), and restricting the company to a series of authorized activities.

An information campaign was led by local property owners and lake association representatives, resulting in strong turnout (standing-room only) at a public meeting on the subject last September, much media attention, and successful lobbying to Limerick Township to adopt a resolution opposing this and other large-scale mineral explorations and extraction projects in the area. Surrounding municipalities are now being approached, to consider similar resolutions.



Standing-room only at the September 2018 public meeting

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Here are some thoughts on the efforts, sent to FOCA this April by the President of our member group, the Steenburg Lake Community Association:

... a lot of people have been extremely busy for the past 9 months. We have had some considerable impact and success ... [One] positive thing to have come from all this experience is that many local residents and lake associations have learned to work together towards a common goal, and this has helped to improve relations among all parties, and make us a strong community as a whole. Thank you for your support. It is clear that if this happened to us, it could happen to anyone in cottage country.

FOCA notes that, under the Mining Act and regulations, mineral title holders are still not required to obtain consent from surface property owners before entering a property for early exploration actions that might include drilling, trenching, line cutting or geophysical surveys. Requirements for public notice to adjacent or nearby landowners are still lacking, under the Act.

For many years, FOCA has been part of the Minister's Mining Act Advisory Committee of the Ontario Ministry of Northern Development and Mines. For more on the Mining Act and implications for our members, see: <https://foca.on.ca/land-use-planning-mining/>.

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Exploring Septic Re-inspection Programs

Project Overview

In 2018, FOCA initiated a project to explore successes, challenges, and lessons learned with municipal re-inspection programs for residential on-site wastewater systems (that is, sewage systems) in Ontario.

A collaborative research team of experts oversaw the project, including representatives from FOCA, the Ontario Onsite Wastewater Association (OOWA), the Canadian Environmental Law Association, the University of Guelph, and Memorial University of Newfoundland. The project was endorsed by the Rural Ontario Municipal Association, and received funding from the Rural Policy Learning Commons.

Field research, a literature review, and case-study interviews were conducted for a selection of rural municipalities' re-inspection programs related to residential septic systems. Case studies in the final report include a description of programs in:

- Township of Tiny (Simcoe County)
- Municipality of Callander (Nipissing County)
- Township of Leeds & the Thousand Islands, and
- Township of Rideau Lakes (both in the County of Leeds and Grenville).

It should be noted that protecting “water quality for recreational purposes” is seen as an important economic, social and political driver in both Rideau Lakes and Tiny Townships.

Lessons Learned include:

1. Voluntary inspection programs are unlikely to reach the systems that are most in need of work!

Significantly, many of the oldest septic systems on the landscape are not documented in existing municipal records (building plans, etc).

- #### 2. Catching a potential system failure before a catastrophe is **good news** AND septic re-inspection programs only find failures or deficiencies that already exist. This is an important part of the communications campaign that must accompany a successful inspection program.

- #### 3. Re-inspection programs **reduce risk/liability for the Township** (re: drinking water protection in source protection area...). According to the Township of Rideau Valley, the benefits of their septic re-inspection program outweigh the costs to the Municipality.

- #### 4. Properly maintained sewage systems can be seen as **an asset for property value**, particularly when performed before a property sale.

- #### 5. Public meetings have been an important tool for raising awareness and facilitating willful compliance with inspection programs. **Outreach and education** efforts increase homeowners' awareness of responsibility for proper functioning of septic systems.

Most failed (visual-only) septic inspections were a result of overuse, improper maintenance, driving vehicles over the distribution bed, planting trees over leaching beds (causing root damage), hooking up a water softener to the septic systems, and age and/or improper installation of the septic system.

In Rideau Lakes and Tiny Township, local lake associations played an important role in encouraging Council to institute mandatory re-inspection programs, tying the need to residents' concerns over beach closures due to high e-coli levels, or recent blue green algae outbreaks. Municipalities, and lake associations, interested in re-inspection programs do not need to reinvent the wheel!



Image courtesy Rick Esselment

Get the Full Report

The full report—which includes some positioning statistics courtesy of OOWA, about the state of septic systems across the province—is available to members, from FOCA. Email: communications@foca.on.ca

Asian Carps

An Update from FOCA

FOCA is very concerned about the potential impacts of introduced species, including the effects they can have on our quality of life in Ontario. These invaders have proven to alter the environment, damage our economy, and negatively impact our communities. The threat of Asian carps is real, for our members on the Great Lakes. At this time, inland Ontario lakes are at much lower risk.

How did they get to North America?

Asian carps were imported into the United States in the 1970s (the exact date varies by species) to be used in aquaculture operations, for biological control. Flooding allowed the fish to escape into the U.S. Mississippi and Illinois Rivers in the early 1990s, and they have been advancing towards the Great Lakes ever since.

Are they in the Great Lakes yet?

Grass Carp have spread across the United States since 1968, but have not yet become established in the Canadian waters of the Great Lakes basin. To date, only two species of Asian carps, Bighead carp and Grass carp, have been captured in the Canadian waters of the Great Lakes. Neither species is considered to be established here, yet. Between 2000 and 2003, three individual Bighead Carp were captured in western Lake Erie. These individuals were likely intentionally released, and are not considered a sign of an established population in the Great Lakes.

How could Asian carps invade the Great Lakes?

The most likely entry point would be from connected Ohio waterbodies—where Grass Carp are already present—into Lake Erie. The other likely path for Asian carps to spread to the Great Lakes would be through the Chicago Area Waterway System, a series of canals built in the early 20th century that created a water connection between the Great Lakes Basin and the Mississippi River watershed. The Waterway has grown into a major shipping route, with a steady flow of traffic between the Great Lakes and the inland United States, and Asian carps already threaten the fringes of the Waterway System.



David Marson of Fisheries and Oceans Canada, with an invasive Grass Carp.

Human activity also creates opportunities for Asian carps to reach the Great Lakes, including:

- fishers discarding water from bait buckets that could contain juvenile carps or eggs;
- trade of live Asian carps either as pets, or as food;
- and, the use of Grass Carp for pond and aquaculture management. Although aquaculture managers use sterile or “triploid” fish for this purpose, the processes for sterilizing fish are not always 100 percent effective.

Why is FOCA Concerned?

If Asian carps are able to enter the Great Lakes and establish a population, they will have detrimental effects on commercial and sport fishing industries, recreational boating, and tourism across Ontario.

Bighead and Silver carps are avid filter feeders and can eat up to 20 percent of their body weight in plankton per day. Many aquatic species rely on plankton as food; therefore Asian carps have the potential to displace native fishes and other species. The decline of native fish species could damage sport and commercial fishing in Ontario. This is an industry that provides millions of dollars a year into the province’s economy.

Silver carp pose a particular hazard for boaters, as the vibration of boat propellers can cause Silver carp to jump, up to three metres out of the water. Online video channels abound with sensational images of schools of Silver carps colliding with boaters.

What is being done?

To prevent these unwanted invaders from entering the province, Ontario has regulated four species of Asian carps (Silver Carp, Bighead Carp, Grass Carp, Black Carp) as prohibited under the Invasive Species Act.

Searching for Asian carps is a primary role of Fisheries and Oceans Canada, as part of their mandate to ensure Canada's aquatic ecosystems are protected from negative impacts. In addition to traditional electrofishing and newer sampling techniques, U.S. and Canadian researchers are currently exploring the results of environmental DNA (eDNA) testing, for its use in surveillance of Asian carps.

In Canadian waters, biologists from the Ontario Ministry of Natural Resources and Forestry, and Fisheries and Oceans Canada work closely together to collect information and share findings. Response activities are implemented following any find of Asian carps in Canadian waters.

There is also an extensive partnership of government agencies and non-government organizations involved in the effort to stop Asian carps from reaching the Great Lakes. This includes organizations like FOCA, the Ontario Federation of Anglers and Hunters, the Invasive Species Centre, and others who educate the public about the threat of Asian carps.

As the representatives of Ontario's waterfront communities, FOCA has significant ongoing interests and concerns about the threat from these invaders. Our ongoing work includes networking with DFO and other partners, and providing educational information about Asian carps to our members, particularly along the Great Lakes, which are the first point of invasion prevention.

What can you do?

- Never buy or keep live Asian carps. It is against the law to keep an Asian carp as a pet, to use one as bait, or have any live Asian carp in your possession.
- Don't introduce any live fish into Ontario lakes or rivers.
- If you are fishing and incidentally catch an Asian carp, double bag it, put it on ice, and call the Invading Species Hotline (see below). Do not return it to the water.
- If you have any information about the illegal importing, distribution, or sale of live Asian carp, report it immediately to the MNRF TIPS line (1-877-847-7667), or call Crime Stoppers anonymously.
- If you've seen an Asian carp or other invasive species in the wild, call the Invading Species Hotline (1-800-563-7711) or visit Ontario's Early Detection & Distribution Mapping System (www.eddmaps.org/ontario) on your computer or smartphone to report a sighting.

Learn more about Asian carps from FOCA (<https://foca.on.ca/invasive-species/>), and from these partner sources:

- Fisheries and Oceans Canada:
<http://www.dfo-mpo.gc.ca/species-especes/profiles-profil/asiancarp-carpeasiatique-eng.html>
- Ontario's Invading Species Awareness Program:
<http://www.invadingspecies.com/asian-carps/>
- Asian Carp Canada (Invasive Species Centre):
<https://asiancarp.ca/>

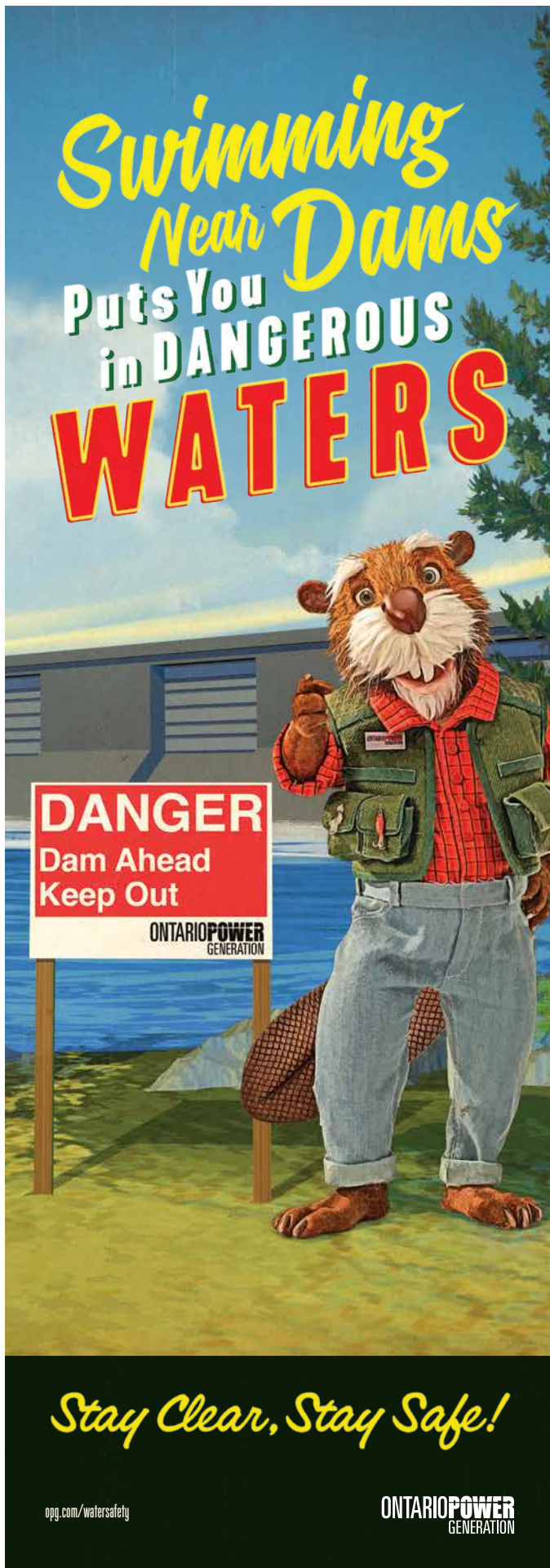
New Video on Asian Carps

FOCA's Executive Director Terry Rees is featured with other science and community partners in a new video about the threat of Asian Carps, released in June 2019 by Fisheries and Oceans Canada (DFO). This was filmed on Lake Erie in the Fall of 2018, when Terry was out on "carpatrol" with our partners at DFO.

Watch the video on YouTube:
<https://youtu.be/2oCiwb1Auc>

Please share this resource with others at your waterbody!





Association Tips: Standard Photo/Video Release

Anyone who has attended a FOCA Spring or Fall Seminar in recent years has been greeted by a Photo/Video Release notice, and is asked to sign upon registration, to confirm their consent to be filmed or photographed. We display one copy of the wording of the release, next to the registration list where people sign-in.

If your Lake Association posts pictures in the public domain, on an association website or social media channel, you should consider a standard photo/video release form at your events – especially when children are involved.

No waiver is bulletproof, but good governance dictates you take reasonable steps and show due diligence. For your next event, borrow these words, and tailor them to your occasion:

Event Date: _____

Event Name: _____

This event is being undertaken by the
_____ **Association.**

Please note that this event is being recorded (photo and/or video).

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By signing, you certify that you have read the above and understand and agree to its contents.

Name of Attendee: _____

If attendee is under 18 - Parent/Guardian Name:

Signature (of Attendee or Parent/Guardian)

Lake Partner Program Update

by Emily Shapiera

FOCA Assistant Lake Stewardship Coordinator

The Lake Partner Program (LPP) is a water quality monitoring program of the Ontario Ministry of the Environment, Conservation and Parks (MECP) and FOCA. Each year, over 600 citizen volunteers take samples on 500 lakes (at 800 active sampling sites). Volunteers use materials sent by the LPP team to take water samples and Secchi disc readings in their local lake, and then mail the kits back to the LPP team in Dorset, Ontario to be processed and analyzed by lab scientists over the winter. The amount of data is considerable; for example, in 2017, the LPP received over 4,400 phosphorous samples, alone!

"The more we know about the condition of our lakes, the more we can do to protect them." ~LPP volunteer

What parameters are sampled by the LPP?

- **Phosphorus** – an essential element for plant life; however, when there is too much of it in the water, it can lead to eutrophication and algal blooms.
- **Calcium** – needed by many aquatic organisms to live and grow. A shortage can impact many different species in a lake, from zooplankton to fish.
- **Chloride** – a growing concern, as road salt makes its way into our freshwater systems. Too much chloride can negatively impact aquatic life.
- **Secchi disk readings** – volunteers' observations of water clarity, an important indicator of water quality.



What is the LPP data used for?

Lake Associations can use the data to track environmental issues and trends, engage members, and work to better their rural communities. Researchers can use the data to understand algal blooms, study calcium decline and its effect on ecosystems, and investigate the effects of road salt. Government partners can use the data to monitor trends throughout Ontario's aquatic systems, and to inform resource management policy.

Interested in helping out?

Find out if your lake is being sampled, or needs a volunteer, by reviewing the data from links on FOCA's webpage at <https://foca.on.ca/lake-partner-program-sampling-assistance/>. To get registered as a volunteer, call the LPP Coordinator at 1-800-470-8322 or email lakepartner@ontario.ca.

Existing Volunteers:

Thank you for all that you do! Remember to get the next generation involved in the sampling process: enlist them as assistants to develop their interest in observing lake health. Then, send in a picture of your "assistant" to the email above, to be entered into a draw in August.



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You Asked, FOCA Found the Answer

Lake Association Filings

FOCA was very pleased to have non-profit lawyer Edward (Ted) Hyland as a break-out session speaker at our March 2019 Spring Seminar.

Ted led a discussion about Association Organizational Planning, providing tips for associations that are incorporated provincially or federally, as well as those that are not incorporated.

Member Associations can contact the FOCA office for a digital copy of Ted's full summary notes on topics such as:

- key documents to keep on hand
- governance structure requirements
- meeting requirements
- income tax filings and other annual reporting.

We asked Ted to follow-up on a "What if...?" lake association question. His response is everything that follows, below the question. Note the disclaimer at the end.

Question:

"We're a provincially incorporated lake association that's been around for years, and we just heard we're supposed to be filing annual income tax returns, and reporting whenever there is a change of directors (which is pretty much every year)!"

What do we do now?

Are we in trouble?"

Ted's response:

In this situation you're best advised to do the following:

- First of all, don't panic! There's usually a solution and way forward.
- Second, don't ignore the situation.



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Change Notice re: Directors and Officer

With respect to updating the province's record of your association's directors and officers, obtain a copy of the province's record for your association to determine who is listed as a director and officer.

Once you have figured out who is currently on the list, file a Form 1 (Initial Return / Notice of Change) form. In completing and filing this Form you will delete the names of individuals who are no longer directors or officers of your association and add the names of those who are currently directors and officers.

For more information, see the ServiceOntario website at <https://www.ontario.ca/page/form-initial-return-notice-change-making-changes-corporate-information>.

Are you in trouble for failing to file the Form 1 (Change Notice)? Technically, it is a contravention of the applicable Ontario legislation, and is an offence under that legislation.

Practically speaking, it is highly unlikely that the province would prosecute, and I am not aware of any prosecutions. If you make the filing, you'll be fine.

Filing of Income Tax Returns and Information Returns

With respect to your association's income tax returns, there are actually two aspects to this.

First, if your association has more than \$10,000 in investment income in its fiscal year or more than \$200,000 in assets, then your association must file a T1044 Information Return, in addition to the T2 Income Tax Return that all corporations resident in Canada (including non-profit corporations) must file.

If you haven't filed either the T1044 Information Return (when you were supposed to) or the T2 Income tax Return, then your first step should be to consult with either an accountant or lawyer.

Why? To make sure that someone with the professional training and experience takes a look at your association's circumstances, so that you get proper advice about how to proceed. You'll want to have a clear-eyed and frank appraisal of your association's situation, so that you don't assume either the worst or the best. The professional will help you figure out how to proceed.

What's your association's risk?

If you have failed to file the T1044 Information Return, your association is at risk of a penalty equal to \$100 or \$25 multiplied by up to 100 days for each day that the T1044 Information Return is not filed, whichever is greater (thus the maximum penalty is \$2,500 -- note that the penalty applies for each T1044 Information Return that has not been filed when required). It is the Canada Revenue Agency's policy, however, not to apply this penalty to a non-profit's first failure to file the T1044 Information Return (presumably, though, if your association has failed to file its T1044 Return for a number of years, this grace will apply only to the first failure and not the subsequent ones).

If you have failed to file the T2 Income Tax Return, then ordinarily the penalty is equal to five percent of the tax payable that was unpaid when the return was required to be filed and one percent of any such unpaid tax for each full month, not exceeding 12, that the return is late. In the circumstance where there is no tax payable (because your association is tax exempt, as a non-profit), the penalty referred to above would apply (so, for each tax return not filed, a maximum penalty of \$2,500). In 2010, however, CRA expressed the view, in response to a question posed to it, that it is not its practice to impose such penalties on resident corporations (such as your association) that are late in filing their income tax returns when there is no tax payable.

***DISCLAIMER:** The above is legal information only, and is not legal advice, and is not intended to be relied upon. You should seek professional advice for your association from an accountant or lawyer who has knowledge of your association's circumstances.*

Edward M. Hyland, Lawyer at Iler Campbell LLP

150 John Street, 7th Floor, Toronto, Ontario 416-598-0103 ext. 134

FOCA 2019 Road Survey:

An Update

FOCA has approximately 200 member groups that include road maintenance in their lake association mandate, or are associations formed entirely around rural road issues. In early 2019, FOCA sent out a new Road Survey, to update the information we previously collected in 2010. The new survey asked additional questions about maintenance practices, budgetary considerations, signage, police presence, municipal agreements, and more.

The detailed answers are being analyzed by the FOCA office now, and full survey results will become available to all FOCA member Road Associations by September. In the meantime, we are glad to share some of the following highlights from the preliminary analysis of survey responses:



132

roads

completed the
2019 FOCA survey

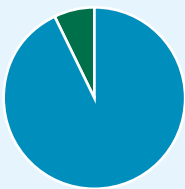


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different

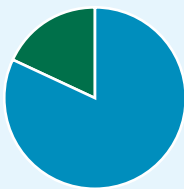
townships/
municipalities
are represented

“Best Practices” noted by respondents:



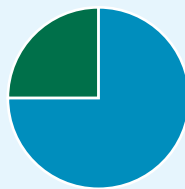
93%

stay in touch
with members
using an EMAIL
contact list



82%

hold an
Annual
General
Meeting



75%

of respondent
Associations
carry liability
Insurance

However, we were surprised to discover that 29% of respondents say their group has an unwritten or “handshake agreement” only!

FOCA reminds roads groups that a good set of written **bylaws** will help to clarify important—and potentially contentious—issues, such as:

- who is (and is not) a member?
- who speaks (and can make financial agreements) on behalf of the group?
- what maintenance roles (and in what seasons) will the group undertake?
- how will disputes be mediated?

For a sample set of bylaws for your road or lake association, or tips about starting or building an effective association, contact FOCA: info@foca.on.ca.

Survey results confirm that there are many factors affecting expenses for rural Ontario road groups, including length of the road, seasonal or year-round use, the presence or absence of bridges or culverts, and other considerations. With regard to data on annual fees being charged, responses included everything from less than a hundred dollars, to more than a thousand dollars per property! FOCA will be doing more data analysis over the coming weeks, to tease out some benchmark statistics for roads of different scale and with varied characteristics. Get on the Elerc list for updates: http://bit.ly/FOCA_Elerc.

8 out of 10 respondents reported that they had 90% (or better) participation in payment of road fees. One interesting anecdotal comment described a road group that calculates the annual member fee on the assumption that 90% of members will pay up in any given year; and any additional fees collected that year become part of a contingency fund; which, if unused, can be applied to generate a lower annual fee, the following year.

The final Road Survey Report from FOCA will include more interesting information about:

- road maintenance trends, including snow clearing by contractors or volunteers
- the extent of drainage issues on various types of roads
- trends in operating expenses
- examples of localized municipal grants or service arrangements

and more. While you are waiting for the survey results, remember that there are members-only materials about private roads issues, including “getting everyone to pay their fair share” on the FOCA website. Start here: <https://foca.on.ca/road-costs-how-to-get-everyone-to-pay/>.

Road Issues

OPP Q+A

After FOCA's Spring Seminar (where Sgt. Dave Moffatt, Provincial Marine Coordinator, Highway Safety Division of the Ontario Provincial Police was so helpful to members on a variety of boating safety issues) FOCA followed up with a series of additional questions—this time about rural road issues.

NOTE: *These answers reflect current best practices, and the knowledge of senior OPP officers who deal with these situations frequently. We remind readers that case law changes from time to time, and these answers do not represent an official position on the part of the OPP, nor should they be considered legal advice for your particular situation.*

Does the OPP patrol non-municipal ("Private") roads?

Yes. A "private" road is only a true private road if it is gated and does not give the general public access to the road; then the Provincial Acts might not apply, depending on how the road is described. A "private" road that is not gated and allows the general public access would be open to enforcement. So the OPP do patrol "private" roads, and the rules of the provincial acts do exist as well (e.g. Wearing a helmet on an ATV). And, the Laws of the Criminal Code (Impaired Driving, Dangerous Driving, etc.) can be enforced anywhere, even on a private road or private property.

How does the local OPP detachment prioritize the roads they patrol?

Detachments prioritize patrols in various ways. Strategic patrols are based on information collected through analytics, past history in the area, and officer experience. Patrols also result from complaints (calls for service) and follow-up on ongoing investigations.

Does the Highway Traffic Act apply on private roads?

Yes it does as the definition of "Highway" doesn't change if the road sign says "private" (as explained above). Here is the Highway Traffic Act definition of a highway:

"highway" includes a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, any part of which is intended for or used by the general public for the passage of vehicles and includes the area between the lateral property lines thereof.



Image courtesy Tracy Logan

We have case law in Ontario that states that, to truly make a road private, you need to make it so the general public doesn't have access.

Does the Off-Road Vehicles Act apply on private roads?

If an Off-Road Vehicle is driven on a "highway," the Highway Traffic Act would apply (Ontario Regulation 316/03 of the Highway Traffic Act).

On a private road, if nothing is posted, what's the speed limit?

What if someone has posted a handwritten speed limit sign?

Where there are no posted speed limits, the maximum speed is 50 km/h in cities, towns and villages; and 80 km/h elsewhere. If someone has posted a handwritten sign, this sign cannot be enforced, as it is not an authorized sign.

FOCA adds: while "suggested speed" signs are not enforceable, they may help to limit your private road liability. See the article on page 24 about Road Liability, for more.

Does signing a roadway "private" or "no trespassing" affect the OPP perspective on patrolling said road?

No, if there is a lawful reason to be on the highway, this does not change the OPP perspective.

Road Insurance Tips

by Ross Fraser

of Cade Associates Insurance Brokers

Wherever property owners collectively rely on an access road to enjoy their properties, it is common for the owners to form a Road Association to organize their volunteer responsibilities for road maintenance, to communicate with road members, and to collect fees as necessary.

What is a Road Association?

Some groups are a loose collection of neighbours, while others are fully incorporated non-profit organizations. The group is comprised of individual volunteers and those members/property owners who contribute to the road fund. Regardless of the group's structure, these collections of property owners are able to be considered a Road Association within the FOCA Association insurance program.

Why do we need Road Association Insurance?

Relying heavily on volunteers, the work of your Association is invaluable to your community. In order for the volunteers and members to avoid exposure to personal financial distress should a claim be brought against them as a result of their involvement in the maintenance of the road, the group should obtain insurance in the name of the Road Association.

Road Association Liability Insurance plays a vital role in protecting the board members, volunteers and members of the Association. The FOCA Road Association Insurance Program was designed over a decade ago, for organizations operating on a not-for-profit basis. The policy will respond when legal actions arise which allege that the actions of the Association or its volunteers, related to management of maintenance of the roadway, led to bodily injury or damage to the property of others.

Doesn't my home insurance policy cover me?

Without Association liability insurance, the Road Association and its volunteers, if sued, will incur significant personal financial costs to fund their own defence. And, if it is determined that they are legally liable for the loss, they would also be personally responsible to pay damages to the claimants. Individual property owners along the road may be sued personally if a claim arises out of the maintenance of the road, regardless of their involvement. Personal home and cottage policies are not 'standardized' and so the necessary liability protection related to road maintenance or volunteer activities for a non-profit may not be available to the property owner.

If, however, the insurance is available under a home or cottage policy, and a claim is submitted, the personal policy premium could increase on future renewals. More importantly, the Insurer of the home/cottage could decide to non-renew once they have a better understanding of their exposure to road maintenance. As it is impossible to know how each property owners' policy will respond, it is difficult to have confidence that every policy will provide adequate protection.

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Don't car owners carry their own insurance for accidents?

Yes. If there is an auto accident on the road, the automobile insurance policies of the vehicles involved will respond first as the primary insurance for any injury or damage to the property of others and owned vehicle damage. However, an automobile policy will not provide protection to the Association or its members, should the individuals involved in an accident bring legal action for alleged negligence in maintaining the road.

Does our Association need to be incorporated to get insurance?

No. The FOCA Association insurance program is available to Associations who have not taken the step of incorporation. Your group should have a 'guiding document' (such as bylaws) which outlines the purpose of the group and how membership is determined, but incorporation is not required.

Will the Insurance cover winter maintenance?

Yes. Many Road Associations are involved in the upkeep of their roads year-round, and the policy can be tailored to suit your specific requirements.

Is the policy still available if the road crosses Crown Land?

Yes. Whether the road crosses over land that is fully private, municipally owned, or Crown Land, the insurance policy responds to your road maintenance activities.

Are we required to hire insured contractors?

No. But, for risk management purposes we do strongly recommend that you hire insured contractors where possible to conduct road maintenance and snow removal operations. However, in some cases local options are limited, and the Association Insurance policy can be customized to suit your needs.

Does the Insurer require we post specific road signage?

No. Signage alone cannot absolve legal liability, but it does show reasonable decision-making by the group to attempt to avoid accidents and assists in your defence. Signage could indicate that the road is private, or has restricted access, etc. as appropriate. No two roads are alike, so your Road Association is encouraged to review your circumstances and consider what hazard signage (e.g., sharp turns, blind corners, etc.), speed signage, or other markers may be helpful.

How does the Insurance policy respond?

When a claim is presented, the Association insurance removes any uncertainty from the property owners as to whether their personal insurance has appropriate protection for their involvement in the road. Upon receipt of a claim, the Insurer will investigate the events leading to the alleged loss and effectively becomes the Association's legal team to defend against the allegations.

If the Association is found legally liable, the Insurer pays those compensatory damages awarded, subject to the policy limits. Policy limits up to \$10M are available within the FOCA Association Insurance Program. The policy will respond to such claims which involve vehicles, pedestrians (slips and falls), recreational vehicles (e.g., snowmobiles, ATVs, etc.) and others who may use the road, with or without the knowledge of the Association.

Who is Insured?

Road Association insurance protects the Association itself and its volunteers who act on behalf of, and at the direction of, the Association. Our policy also includes coverage for 'Members in Good Standing' within the Association should they be named in a claim simply because of their active status as a Member.

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Cade Associates Insurance Brokers arranges the FOCA Association Insurance program on behalf of hundreds of non-profit Road Associations across the province. FOCA Member Associations have access to this program! Visit <https://cadeinsurance.com/foca/>

Advocating for Respect on the Water

by the Safe Quiet Lakes organization

Canadians love our lakes, and boating is an important part of the experience for most cottagers. FOCA's recent survey indicated that boating issues are in the top tier of concerns for its members.

Safe Quiet Lakes Program

The mission of Safe Quiet Lakes (SQL) is to make the lakes safer and quieter to ensure the sustainable enjoyment of a treasured shared resource. SQL believes important drivers of change are education, communication and getting the conversation going about how to address boating issues. Like most cottagers, we are passionate about life on the water and determined to help build respect on the lakes.

SQL is thrilled to see so many lake associations get involved to promote safe and respectful boating to their members, by distributing the 'Boaters Code' in their newsletter, linking to our website, or including us as a speaker at their AGM.

In 2019, the **Canadian Safe Boating Council (CSBC)** and **Muskoka Grown** have joined forces to launch a 'smoke safe' campaign. A major focus of this year's **Safe Boating Awareness Week** stemmed from the recent legalization of cannabis in Canada, which is causing concern for boating safety advocate groups, enforcement agencies, and first responders alike.

Statistics demonstrate that alcohol is a contributing factor in 40% of past boating fatalities. It is uncertain how the legalization of recreational cannabis may increase that statistic.

As part of its **"Boat Sober"** message, the CSBC has joined forces with Muskoka Grown, an Ontario licensed cannabis producer, to make boaters aware of the risks of cannabis consumption and boating.

Together, the CSBC and Muskoka Grown will mount a summer-long campaign to remind boaters to **'Smoke Safe'** and don't boat high. See www.csbc.ca and www.dontboathigh.com.

Understanding Community Views Opinion Research

In 2017 and 2013, ERIN Research on behalf of Safe Quiet Lakes fielded comprehensive and professional surveys of lake users in Ontario. In 2017 alone, almost 3,300 individuals responded to the SQL survey, representing a cross-section of boaters and lake users. The results provide a clear statement of what is important to the people who use and care about the lakes, and drives the actions and priorities of SQL.

The three most frequently mentioned safety concerns are power boats:

- not following "the rules of the road"
- operating at high speeds
- creating large wakes.

Critically, our surveys confirm that there is a direct correlation between perceptions of safety and quietness of the lake environment and how much people enjoy their lake and cottage experience.

A full copy of the survey results is available on the SQL website: <http://safequiet.ca/news/survey-results/>.



FOCA and SQL partners - on the water and April meeting.

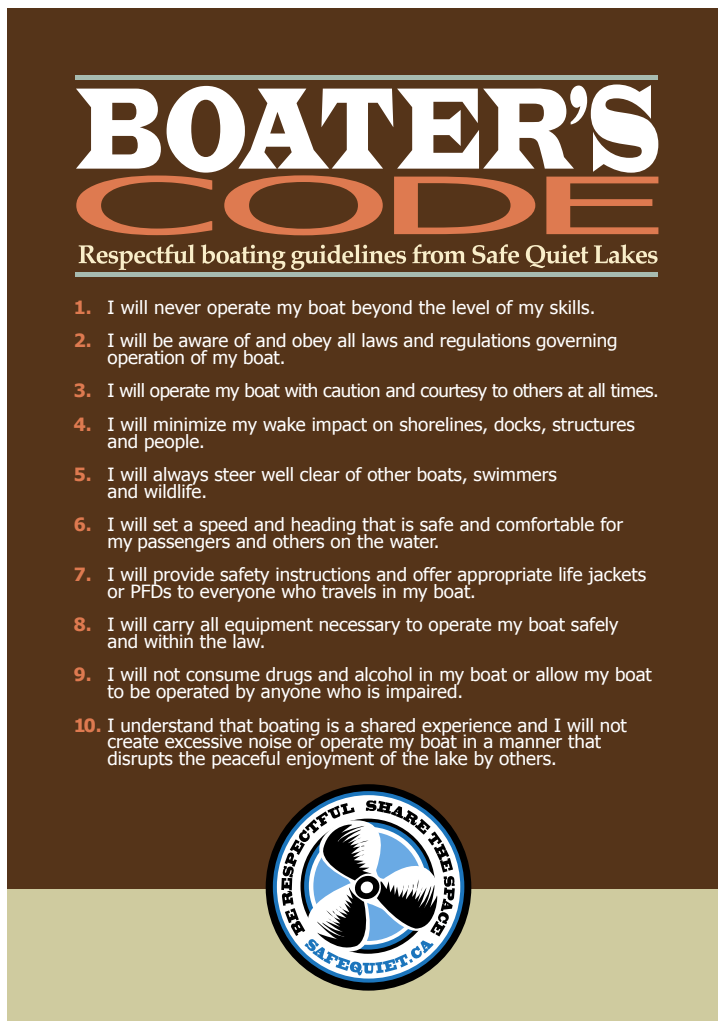
SQL strategy

Dialogue, education and advocacy

Keeping our lakes safe, quiet and sustainable is a shared responsibility. SQL partners with lake associations, municipalities, industry associations, and the OPP to promote safe and respectful boating.


The **'Boaters Code'** was created by communications professionals and boating educators, and is a set of guidelines for boating safety and responsibility. Distribution of the Boaters Code can help you to start the conversation on your lake about sharing the lakes respectfully and maintaining the joys of boating.

We know that there is strong support among cottagers and other boaters for enforcing existing laws on illegal mufflers, boating under the influence, and safety on the water. There is also support for new boating regulations to establish "no wake" zones and clear decibel limits on noise. We are actively working with stakeholders, including FOCA, to strike the right balance and to develop the most effective policy approaches.



BOATER'S CODE
Respectful boating guidelines from Safe Quiet Lakes

1. I will never operate my boat beyond the level of my skills.
2. I will be aware of and obey all laws and regulations governing operation of my boat.
3. I will operate my boat with caution and courtesy to others at all times.
4. I will minimize my wake impact on shorelines, docks, structures and people.
5. I will always steer well clear of other boats, swimmers and wildlife.
6. I will set a speed and heading that is safe and comfortable for my passengers and others on the water.
7. I will provide safety instructions and offer appropriate life jackets or PFDs to everyone who travels in my boat.
8. I will carry all equipment necessary to operate my boat safely and within the law.
9. I will not consume drugs and alcohol in my boat or allow my boat to be operated by anyone who is impaired.
10. I understand that boating is a shared experience and I will not create excessive noise or operate my boat in a manner that disrupts the peaceful enjoyment of the lake by others.



FOCA is a proud member of the **Canadian Safe Boating Council**, and sits on the **Ontario Recreational Boating Advisory Council**.

FOCA supports the safe and responsible operation of all watercraft and related on-water activities. FOCA promotes education and communication on boating issues.

You can access Transport Canada's **Safe Boating Guide** and additional resources from our webpage: <https://foca.on.ca/safe-boating/>.

Turning Insight Into Action What Lake Associations can do

The goal of SQL is to provide lake association partners with the educational resources you need to engage your members in a conversation on safe and respectful boating. Each lake association works a little differently, which is why SQL offers many options including:

- digital or pre-printed copies of our artwork
- online resources including our website
- AGM presentations
- Boaters Code signs for your marinas and public launches.

SQL is also planning to create a toolkit for associations with resources, tips and suggestions, and testimonials collected at the annual stakeholder meeting. Contact outreach@safequiet.ca for more information, and for copies of our materials.

We look forward to continuing our work with FOCA and hearing about how our resources are being used at your lake.

Sincerely,
Safe Quiet Lakes organization

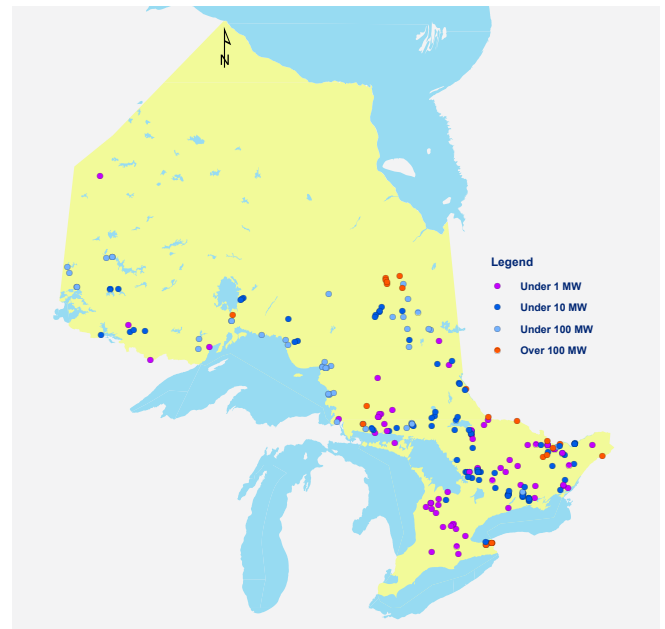
Water Management and Waterpower

by the Ontario Waterpower Association

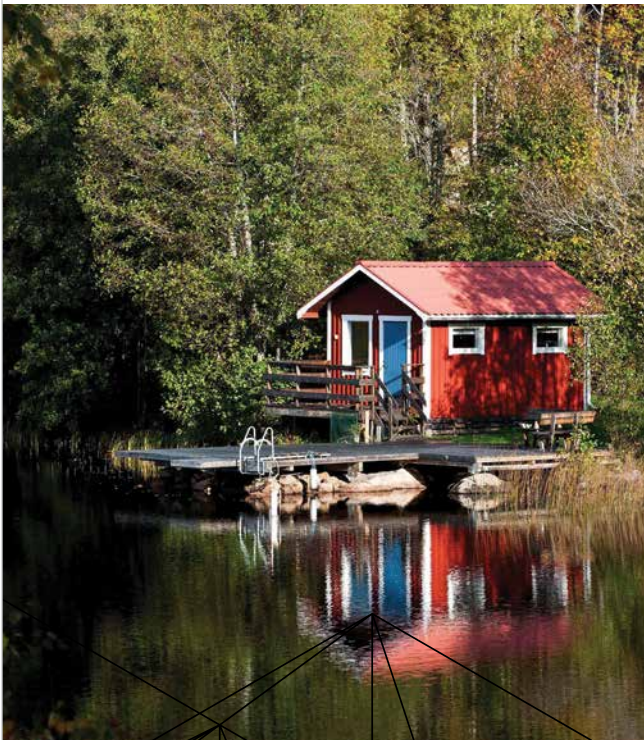
Waterpower facilities are distributed across the province and provide many local, regional and provincial benefits. There are 224 operating waterpower facilities in Ontario, with a total installed capacity of approximately 9,000 megawatts.

Water levels are controlled by a series of dams and weirs. Responsibility for managing surface water will depend on where you are in the province. Federal, provincial and municipal governments, Conservation Authorities and waterpower producers all own and operate water management infrastructure.

Guidelines, known as the “rule curves” or “operating bands”, set the target water levels, depending on the time of year, and are generally based on historical averages. With normal events and consistent operations, water managers adhere to this Rule Curve. The provisions of a water management plan do not apply in the event of a declared flood, low water condition or emergency situation.



Ontario Waterpower Association (OWA) represents the common and collective interests of the waterpower industry. If you have questions, or would like the OWA to attend your association meeting to speak about water management, please contact Stephanie Landers: slanders@owa.ca. For more information, visit www.owa.ca.



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Protect your Cottage Investment:

Hire Septic Professionals

by Mike Gibbs, OOWA

Outside life is just different at the cottage: There's the lake, of course. The air is cleaner. The vistas are grander. There are forests, wildlife and endless summer days.

Life *inside* the cottage is different too: There is more space in the fridge for beer, and the tap water comes from either the lake or a well. Things are also different in the loo. It's a mysterious place where thought is easily suspended, isn't it? Specifically, thoughts about where our waste goes when we flush tend to fly out the window. This may be the only place at the cottage where our thinking reverts to the same way we think about our waste in the city: flush and it's gone! However, at the cottage, this age-old perception of 'out of sight, out of mind' carries more serious consequences for your lake's water quality, human health and your wallet.

A properly installed, maintained, and managed septic system is a time-proven way of treating wastewater on rural properties, and is really the only piece of infrastructure on your property that allows you to live in the country or to have a cottage by the lake in the first place! As such, it's something that needs to be prioritized right up there with (even above) the state of the dock, the new kitchen reno or the placement of the bunky.

Are you the kind of person who takes your car for regular oil changes? Do you perform manufacturer-recommended maintenance on your vehicle to ensure safe operation and a long life? Are you the kind of person who does regular maintenance and improvements to your home and cottage? Your car, your home and your cottage are the most significant financial investments that you'll make over the course of your life so, of course you do.

The Ontario Onsite Wastewater Association (OOWA) suggests that you add your septic system to that list as the fourth most significant investment. A new septic system can cost anywhere from \$20,000 - \$30,000. A septic system requires the same regular maintenance and management as your car, your home or your cottage.

Who do you hire to do the work on your car, home or cottage? You hire a licensed and experienced professional, that's who. When it comes time to install, repair, or perform maintenance on your septic system, you need to do the same.



Septic Systems are expensive and critical components of a cottage's infrastructure, so ensure you treat them that way.

Image courtesy Peterborough Public Health

Septic system installers are required to be licensed by the Ontario Ministry of Municipal Affairs and Housing. When hiring an installer, ask them for their BCIN number (Building Code Identification Number) and make sure they are licensed by the Ministry. Also, be sure to ask them if they are members of the Ontario Onsite Wastewater Association (OOWA). OOWA is the professional association for the onsite wastewater (septic system) industry, advocating to government on behalf of the industry, and providing OOWA members with technical education, skills and professional development opportunities, and best-practice information. An onsite professional who is a member of OOWA will be an informed and engaged professional.

Consider asking your septic professional if they are an OOWA 'Registered Professional'. OOWA's Registered Professional Program is a voluntary skills and professional development program designed specifically for OOWA members. Program participants must take courses to acquire a number of required aptitudes for their chosen designation. Participants in this program are provided with special recognition for their continuing education efforts and are leaders in our industry.

Demand the best for your cottage, your lake, your family and your investment.

To find a licensed septic professional near you, visit www.oowa.org/membership/business-directory/ and consult the 'Find an Expert' directory to connect with Registered Professional participants. Or, contact OOWA directly: 1-855-905-6692 ext. 101 or by email outreach@oowa.org.



Tackling Cell Dead Zones

by EORN

The Eastern Ontario Regional Network (EORN) is making progress on its proposal to tackle cell dead zones and improve mobile broadband in the region through a public-private partnership.

This past May, the Government of Ontario committed to funding \$71 million, one-third of the \$213 million project. As of this writing (June), EORN is also seeking one-third federal funding support.

All members of the Eastern Ontario Wardens' Caucus and most municipalities within the Eastern Ontario Mayors' Caucus have committed to contributing to the \$10 million municipal share. Mobile carriers, who will be selected through a competitive bidding process, are expected to provide the balance of the funding.

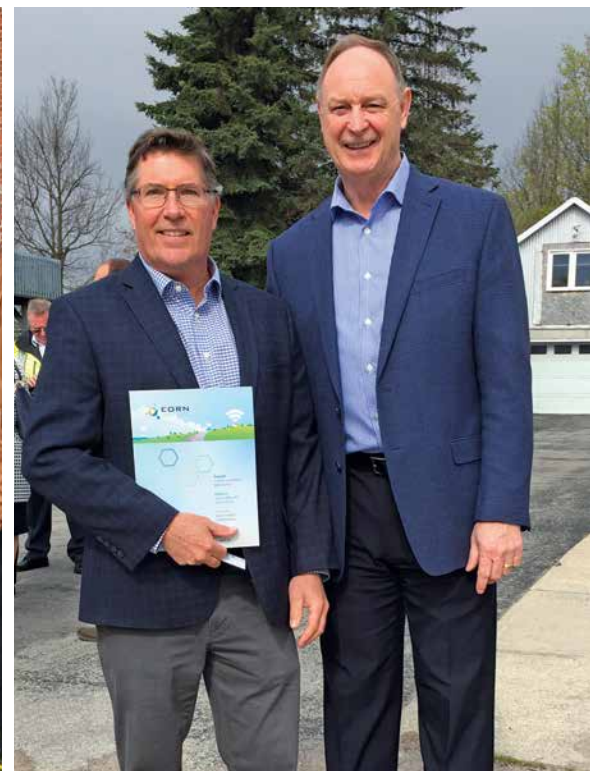
"Too often, people in Eastern Ontario find themselves with no signal or dropped cell services," said EORN Chair J. Murray Jones. "We appreciate the support from the province to help close the gaps in mobile services. It is important for economic growth, quality of life and safety."

Across areas of rural Eastern Ontario where people live, work or travel:

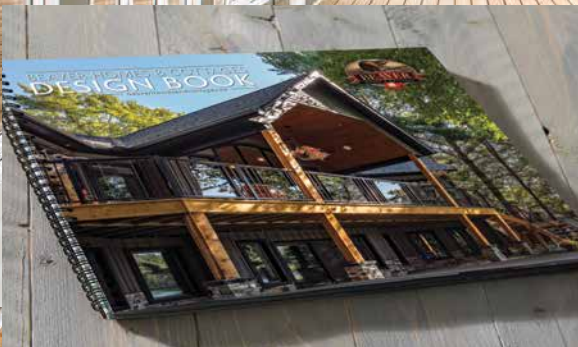
- 40% of the area does not have access to high-definition service that allows streaming HD video.
- 20% of the area does not have access to standard definition video, typical mobile app use and video app calling.
- 10% has no voice call service.

"The demand for mobile broadband is growing exponentially, but our region is deeply lacking the needed infrastructure to keep up," said Andy Letham, chair of the Eastern Ontario Wardens' Caucus. "This project gives carriers a stronger business case to improve services to our region."

—
Editor's note: access to internet and cell service was one of the main barriers to working from rural communities identified by waterfront property owners in FOCA's 2018 study on rural economic development. See: <https://foca.on.ca/wpo2018>.



EORN group announcement in May. Terry Rees with Minister Yakabuski.



A NEW START



As a cottage owner, you know the amazing feeling of opening weekend and the promise it holds for another remarkable season. The same feeling can fade quickly as you realize the cottage you once loved is now tarnished, dated and in need of many costly repairs. Perhaps the cottage is too small for your growing family, or inadequate for your picture-perfect retirement.

Either way, you will need to make a decision. Do you renovate and add on? Sell and buy new? Tear down and build from scratch? These are not easy choices, especially if you have a longstanding relationship and many treasured memories at your cottage.

At Home Hardware Building Centre, we want to be part of the conversation and help you discover what is best for you and your family.

For over 50 years, the Beaver Homes and Cottages program has helped aspiring and practiced cottagers alike realize their dreams and potential in home building. Schedule a no obligation consultation. Our expert staff will be ready to answer all of your questions.



To speak to the dealer closest to you and for more information, visit beaverhomesandcottages.ca



Water Treatment Options for your Lake Water

by VIQUA



If you own a waterfront property that's not on a municipal water source, you're **probably relying on bottled water** for cooking and drinking. Did you know **there's another option**? The right water treatment system can provide you with drinking water that can be just as safe and taste just as good, at a fraction of the price. And when it comes to the environmental costs, the choice is clear: home treatment wins hands down.

What's in your surface water?

Surface water sources, including lakes, ponds, and springs, have naturally occurring but mostly harmless contaminants like **tannins and sediment**. These will affect the taste, colour, and odour of the water, and typically, that's what keeps you from even wanting to drink water from the lake. In most cases, this is easily taken care of with basic filtration. And it's easy to tell if it's working, because you'll have clear, great-tasting water.

The more serious concerns, however, are **microbiological contaminants**, like bacteria and protozoan cysts that can actually make you sick. But since you can't see, smell, or taste the microbes, you won't know if your water is contaminated unless you test it.

What are your options?

Filtration: If your water is murky, that probably means it has high turbidity. Material that causes water to be turbid can include clay, silt, and fine organic matter. A **sediment filter** is often the first stage of water treatment, to trap the larger particles in the water, and can be followed by finer filters to remove smaller contaminants. One thing to keep in mind is that viruses are too small for filters to effectively trap them.

Adsorption: In the simplest terms, this is when contaminants are attracted to and attach themselves to an adsorbent material, like activated carbon. This process is excellent for removing organic chemicals, like tannins and hydrocarbons (think gasoline). Tannins are produced by the natural decay of leaves, and will give your lake water a slight yellow tinge like a weak tea. They can also make the water taste bitter and/or have a musty, earthy smell. If your lake allows motor craft, you'll want to have a **carbon filter** to treat for hydrocarbons. The down side of activated carbon, though, is that it can be a great home for bacteria, so you should make sure a carbon filter is followed by disinfection.

Disinfection: The goal of disinfection is to destroy or inactivate disease-causing microbes, including viruses. When it comes to surface water, like a lake, you need to choose a disinfection solution that treats for protozoan cysts and parasites. Ever heard of Beaver Fever? That nasty infection can come about when Giardia, found in the waste of animals, washes into surface water and is unknowingly consumed. **Ultraviolet (UV)** disinfection is extremely effective against both Giardia and Cryptosporidium, as well as a wide range of harmful bacteria and viruses.

Consult a professional.

Before choosing a water treatment system, whether it's for your cottage or your home, it's important to talk to a water treatment professional. They'll know the important things you need to consider, including levels of turbidity, tannins, and coliform count (bacteria that you can't see, taste, or smell).

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VIQUA, a proud Corporate Sponsor of FOCA, is a Canadian-based global supplier of residential and light commercial ultraviolet (UV) water disinfection systems. Rather than hauling cases of bottled water or huge water jugs to and from the cottage, look to nearby water supplies! With a complete water treatment system that includes UV, you can have great-tasting tap water treated by a proven disinfection technology. For more, visit: <http://info.viqua.com/foca-alternative-to-bottled-water>.



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On Big Rideau Lake, the Clock Ticks

by Ash Abraham, Stephen Cook,
Matt Gergyek, Alicia Kalmanovitch
& Raisa Patel

What follows are excerpts reproduced with permission from an article created by the Carleton University School of Journalism and Communication, in collaboration with the Institute for Investigative Journalism, Concordia University. See the full article, published by the National Observer in April, 2019:

<https://www.nationalobserver.com/2019/04/09/features/big-rideau-lake-clock-ticks>.

On a snowy afternoon, Barbara Norton looks out from her cottage veranda to Big Rideau Lake. She retired to this waterfront property in Portland, Ont. three decades ago and still loves her home. *"I am going to be 78 years old this year,"* she said. *"I'd like to stay here till I croak."*

Norton is among the first wave of baby boomers, sometimes dubbed the "grey tsunami," who traded city living for cottage life when they retired. ... Norton's village of Portland is in the township of Rideau Lakes, where 27 per cent of the population of 10,326 as of 2016 is older than 65, and the median age (equal portion above and below) is 54.

The price of properties with water access on the Rideau Lakes jumped to a median of more than \$415,000 in 2018 from \$312,000 the previous year. Easy access to the city of Ottawa and Big Rideau Lake makes this an attractive spot to build. ...

Local cottage association residents report an increase in individual properties being redeveloped into larger full-year homes, a trend which has sparked worries about the water.

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"The property values have steadily gone up on our lake, and so the properties that are being built are more elaborate and bigger," said Nancy Watters, a board member of the Big Rideau Lake Association [a FOCA member group that] promotes best practices for keeping the environment healthy and safe and also monitors development on the lake.

Watters has owned a cottage on Big Rideau Lake for 32 years, and in that time she says she has noticed the cottaging demographic change from seasonal (summers and weekends) to permanent or year-round residents.

"Now we see my baby boomer generation retiring and building permanent homes on the lake. So you have 12 months' usage of the lake. We are usually there on weekends and in the summers – it's not a heavy use. Whereas, if you are there all year seven days a week, then there's a lot more use of the lake," she said. ...

The worry now is that the natural shorelines that ensure safe water quality may be crippled by development, while organizations protecting the lake struggle to keep up with a jurisdictional jigsaw puzzle.



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Phosphorus threatens water quality

A primary concern is the spread of phosphorus, a long-time foe of lakeside life. It's found in fertilizers used on lawns, golf courses and in septic systems. When phosphorus leaks into the water, high levels of the chemical lead to more algae.

Blue-green algae — a type of bacteria commonly associated with algae blooms — has been linked to increased phosphorus levels in lakes. It can release a number of toxins which can endanger not only the health of the lake, but those who live around it. It can harm people and pets, causing health problems ranging from skin irritation to neurological symptoms. When algae blooms decompose in the lake, the process can lead to oxygen depletion in the lake, creating "dead zones" that kill fish and other aquatic animals.

Poorly maintained septic systems at cottages can also leach E. coli into lakes through runoff.

Mike Yee, a planner with the Rideau Valley Conservation Authority (RVCA), explained in an interview that development can contribute to blooms due to a "hardening" effect. This means that where concrete developments like docks and boathouses are built along the shorelines — removing natural vegetation — water cannot be absorbed into the soil and can run directly into the lake instead.

That means pollutants are not filtered; more phosphorus enters the lake, causing weeds and algae to grow faster. ...

Cottage association matters

Property owners along the lake have an important role to play, ensuring their shoreline remains as natural as possible. The Rideau Valley Conservation Authority recommends all development projects be built at least 30 metres back from the shoreline — a rule enforced by the township of Rideau Lakes. This is intended to ensure that household water is absorbed into the earth before reaching the lake. Other recommendations to protect water quality are shorelines that contain natural vegetation, docks that allow fish to pass underneath and elimination of lawn fertilizers and soaps containing phosphates. ...

Cottage associations are key to protection, too. Jesse Vermaire, a Carleton University environmental science professor, says the work of the Big Rideau Lake Association (BRLA) is invaluable. *"They're serious about taking care of their lake, their environment and work hard to make that happen."*

The BRLA group traces its roots to a 1922 association formed by several families to serve as a voice for their lake. Its mission is to foster community "in a safe and healthy environment," which in recent years has included active participation in environmental preservation. ...

On Big Rideau Lake, shoreline protection and waterfront development guidelines fall under the jurisdiction of three entities: the township of Rideau Lakes, the Rideau Valley Conservation Authority and Parks Canada. Each body regulates a different aspect of protection and development, ranging from minor variance applications to requirements for building a dock. Each of the three bodies has its own rules for compliance and it's clear that overlapping regulations and a lack of funding and time to enforce them, is hurting one entity the most: the lake itself. ...

Continued on next page >



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Looming over the gaps in jurisdictional enforcement is the dissolution of the Ontario Municipal Board (OMB) in April 2018. A 2016 review of the quasi-judicial body led to the replacement of the OMB by the Local Planning Appeal Tribunal (LPAT). The government said this smaller version of the OMB would give more authority over development back to municipal councils.

The OMB had been criticized for favouring developers in urban areas. In cottaging communities like the ones in Rideau Lakes, it's too early to tell what the impact will be.

Mulhern [town planner, Township of Rideau Lakes] has just submitted her first appeal to the new LPAT, and says she finds the process confusing. *"I think there's not a single person in Ontario who really understands how LPAT works, speaking with some of the most experienced land-use lawyers in eastern Ontario as well as some individuals at LPAT,"* Mulhern said.

"I think it's not really clear what the process is yet and how things are supposed to operate and proceed — it's a learning curve for everyone and there's a lot of unknowns about what we're supposed to do."

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FOCA editor's note: the Province has since changed planning approval rules again, in Bill 88. For background about the OMB and LPAT, plus updates as they become available, visit the FOCA website: <https://foca.on.ca/omb-ontario-municipal-board-changes/>.

4 SIMPLE TIPS FOR SEPTIC SYSTEMS

If you take good care of your system, you will save yourself the time, money and worries involved in replacing a failed system. Here are a few tips.



1 SCRAPE YOUR DISHES

Scraping your dishes into the garbage will make sure solids don't go into your septic system.

2 KEEP THE PLANTS AWAY

Don't plant trees or shrubs too close to the system or leaching bed.



3 PUMP IT OUT

Pump your tank out when solids reach 1/3 of your tank's capacity. Keep records of system maintenance or service calls. Keep an 'as built' system diagram for reference. Know the location of your tank and tile bed.

4 CONSERVE WATER

Reduce the amount of wastewater your system must treat. Replace old toilets with low-flush models.



A poor system can degrade water supplies and reduce property values

oowa.org



Cottages are made for games!

We had fun putting together this rainy-day puzzle about old games.

See the back cover for another game FOCA encourages you to play at the cottage.

(It's our version of "BINGO")

Update from FOCA's Student Videographer

Members will recall the great work of videographer, Chelsie Xavier-Blower, who created the 2018 FOCA videos about:

- cottage country and the Lake Associations (<https://youtu.be/MaKrVAaWweo>)
- why citizen science matters (https://youtu.be/owliN_D8WZc)
- and "Lake Associations in Action!" (<https://youtu.be/F-W7NXDJ29c>)

FOCA reminds you to share these video resources on your own digital platforms such as your Association website or social media channels, to support your local membership drives and member retention efforts.

In the meantime, we are happy to share this update from Chelsie, from the west coast:

"After completing the EVC project with FOCA and the wonderful people involved, my love for nature and powerful imagery led me to Vancouver Island (with a short 3-month stopover in Australia, first).



Here in BC, I work for SeaLegacy, a non-profit ocean conservation organization founded by Paul Nicklen and Cristina Mittermeier. (Pretty cool to have two National Geographic bosses!) Although my role is mostly turning the amazing footage that comes back from their trips into inspiring short videos, I occasionally get to venture out into the world with them. Here I am, distracting children in Ghana, while Cristina worked her magic, capturing the importance of women's empowerment in coastal communities.

Although I've traded lakes for the ocean, I sure miss those loon calls and misty mornings, and the wonderful people that make cottage country so great. Have a wonderful summer in Ontario, everyone!"

~ Chelsie

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Impact Bingo

FOCA invites you to play a round, and see how much of the board you can cover, this season, for the good of the waterfront! Need help? Visit <https://foca.on.ca> for resources on these topics!

Don't pollute the lake (that includes no bathing in it!)	Watch FOCA's video on septic systems: https://youtu.be/5VeTGVnkYA4	Go to the lake association Annual General Meeting	Learn what to do if you find a turtle on your rural road	Attend a community event
Learn how to prevent the spread of invasive species	Write to your Municipal Council about an issue of concern	Watch the Lake Partner Program sampling video: https://youtu.be/8NUFVK8eQ6Q	Review the fire safety plan for the cottage with everyone visiting today	Limit light pollution on your property
Review your FOCA member benefits: https://foca.on.ca/benefits/	Speak with your family about the cottage succession plan	Get on the FOCA E!ert list! http://bit.ly/FOCA_E!ert	Attend a FOCA member meeting	Find a turtle, loon, frog or other sign of a healthy lake
Find out about volunteer opportunities at the lake	Create a 72 hour emergency plan for the cottage	Share responsible short-term rental tips with a neighbour	Slow down the boat near shore; prevent erosion from wake	Learn what to do if you find a tick on a person or pet
Leave the shoreline natural; have hammock time, instead!	Pay your annual dues to your local lake association	Read a FOCA publication (yes, this one counts!)	Plant native species along your shoreline	Visit the FOCA website for tips and resources https://foca.on.ca



Federation of Ontario Cottagers' Associations

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