



June 28, 2013

Mr. Brian Crane
Chief Negotiator for Ontario
Algonquin Land Claim
c/o Gowlings LLP
160 Elgin Street
Suite 2600
Ottawa, Ontario
K1P 1C3

Dear Mr. Crane:

On behalf of the Chair and members of the Eastern Ontario Wardens' Caucus I would like to pass along our sincere appreciation for the excellent update that you and your colleagues representing the parties to Algonquin land claim negotiations provided to the EOWC this past Friday. The members are better informed on the draft AIP for it.

The EOWC was very pleased to see that the draft AIP contains sections on land use planning and property taxation matters. The recognition by the Parties of these essential municipal issues in the AIP is encouraging to the EOWC and we appreciate the Parties efforts in this regard.

As we relayed to you on Friday the EOWC commissioned a review of the key sections related to planning and taxation by a well known municipal solicitor and his firm, Mr. Wayne Fairbrother of Templeman, Menninga LLP. The EOWC felt that it was important to obtain the insights and suggestions of someone who is well versed in municipal operations and the legal and regulatory regimes that municipalities work within on a daily basis. Equally, the EOWC wants to be seen as providing positive input into the negotiating process whenever and wherever it can. Consequently, we are pleased to provide you with the following comments and suggestions, along with Mr. Fairbrother's opinion letter to us.

We recognize that the AIP will be a work in progress until the final Treaty is completed and as a result we agree with Mr. Fairbrother regarding the best approach for the EOWC going forward. We will do our best to identify issues and matters of significant interest to our members and the parties that should be included in the Final Agreement and share those with the Parties.

Land Use Planning

Overall, we share Mr. Fairbrother's view that the land use planning regime in Ontario that has evolved over the past 50 or so years should apply to all Settlement Lands. Ontario has developed a well recognized planning regime designed to support planning and development while at the same providing the necessary protections for the environment, neighbouring land owners, promote economic growth, address municipal servicing matters, among other important matters. We recognize that for Algonquin lands more thought and discussions will be necessary in terms of how land use decisions will be made.

In his submission to the EOWC Mr. Fairbrother raises a number of important matters as they relate to Chapter 5.7 Land Use Planning including the following:

- The applicability of provincial statutes like the Building and Fire Codes to Settlement Lands;
- Whether municipal building permit processes will apply to Settlement Lands;
- What happens to the land use planning regime if lands are sold to non-First Nation individuals or corporations?
- Clarity is required for "hunt camps" and their construction relative to whether relevant provincial and municipal statutes, bylaws and policies will apply.
- What expectations are there for provision of emergency services to both Settlement and Nation Lands and if so how will they be paid?

Please refer to Mr. Fairbrother's memorandum for greater detail on the above and other matters related to land use planning. In addition to the matters raised in the attached memorandum, our Director of Planning and Development has noted that the wording of Section 5.7.2 might permit the zoning or even the pre-zoning of some or all of the lands being conveyed to the Algonquins to a higher use of land [for example, Tourist Commercial zone to permit a casino, hotel, convention center, etc.] than the current rural zoning without submitting a comprehensive planning application and proceeding through the proper planning process including public notification and consultation and/or appeal process.

Property Taxation

Chapter 12 in the draft AIP speaks to the critical matter of property taxation on lands to be transferred to the Algonquins. Mr. Fairbrother notes and we agree with him that some clarity is required and he raises some queries that should be reviewed and addressed by the Parties. Again referring to his memorandum will be helpful but we will attempt to summarize it here.

- The wording of Section 12.2.1 leads one to *infer* that Settlement Lands, other than the three large parcels, will be subject to property taxation. This should be explicitly confirmed and set out in the AIP and Final Agreement.
- If Settlement Lands are subject to property taxation will the enforcement provisions under the Municipal Act and related statutes apply to lands where property taxes fall into arrears? This is an essential issue for municipalities.
- On the matter of property assessments the EOWC has heard from municipalities that they want to be assured that the assessment system as delivered by the Municipal Property Assessment Corporation (MPAC) will apply to the transferred lands using the same methodology as used for

other privately owned properties. Municipalities will want assurance that the CVA placed on the properties is correct, defensible and not subject to any phase-in to market value.

- Also, it will be we want assurance that if the land is forest property that the process for reduced property taxation (25%) is the same as that required of private property owners through the Managed Forest Tax Incentive Program with the forest management plan approved by the MNR. We do not want the transferred lands automatically placed in the managed forest assessment class eligible for reduced taxation without them having to go through the forest management plan process.
- In the event that Settlement Lands are sold to Non-First Nations individuals or corporations will the property tax (and land use planning) regimes continue to apply to such lands?

The EOWC will continue to participate where appropriate in the discussions and trust that our inputs will be helpful. We hope that these questions and recommendations will be helpful to the parties and we look forward to hearing back from you.

Yours truly,

Jim Pine
CAO Hastings County
Secretary-Treasurer EOWC

cc. EOWC
Wayne Fairbrother, Solicitor
Brian McComb, Hastings County