

Re: Comment from the City of Kawartha Lakes in Response to ERO No. **026-0302**

May 4, 2026

Ministry of Municipal Affairs and Housing
Provincial Land Use Plans Branch

13th Floor, 777 Bay St.

Toronto ON M7A 2J3

PlanningConsultation@ontario.ca

Dear Minister Flack:

Thank you for this opportunity to provide comments on when municipalities must accept communal water and waste-water systems (ERO 026-0302).

We understand the proposal would establish regulation-making authority to prescribe the conditions and criteria under which municipalities may be required to assume communal systems, with further details to be provided through future regulatory postings.

The City of Kawartha Lakes has significant concerns regarding the long-term implications of this framework, particularly as it relates to municipal liability and financial exposure.

Long-term financial and operational risk

Communal systems, by their nature, present a high risk of eventual failure or underperformance. In practice, this often results in municipalities being required to assume responsibility through Municipal Responsibility Agreements, regardless of the original ownership or governance model.

We strongly recommend that the Province clearly establish mechanisms to provide financial and operational backstops in the event of system failure, rather than relying on municipalities as the default provider of last resort. Without such safeguards,

municipalities will be placed in the position of assuming significant long-term liabilities without corresponding authority or resources.

As a largely rural municipality with a dispersed settlement pattern, the City of Kawartha Lakes is particularly exposed to this risk. Historically, the City has had to take over failed systems which continue to operate at substantial deficit and financial burden to the City. The introduction of additional communal systems across the landscape would create a cumulative infrastructure liability that is difficult to monitor, maintain, and sustainably fund over the long term.

Planning Act implications

Clarification is requested on whether communal systems, as “public utilities,” would be considered “sewage works” for the purposes of the *Planning Act* definition of “parcel of urban residential land.”

If so, it is unclear whether lands serviced by communal systems would be eligible for any proposed maximum minimum lot area provisions (e.g., as contemplated under ERO 026-0311). This has potential implications for development patterns and overarching goals for complete communities, and so should be clearly addressed.

Relationship to Planning Act approvals

It is important that municipalities retain the ability to require appropriate *Planning Act* approvals prior to the establishment of communal systems.

Absent this, there is a risk that communal infrastructure could be constructed without sufficient planning oversight, creating downstream pressures on municipalities to assume systems that were not subject to full review or built to municipal standards.

There is also a risk that communal systems could be partially constructed or initiated by a developer who is unable to complete the development due to financial constraints. In such cases, municipalities may be left with incomplete or non-functional infrastructure and need to intervene, despite having had limited control over the initial approval or phasing of the system.

In summary, while we appreciate the Province’s interest in enabling alternative servicing approaches, it is essential that any framework clearly addresses long-term accountability, funding, and municipal authority.



We would welcome the opportunity to review and comment on the proposed regulatory criteria once available.

Should you wish to discuss this matter further, please do not hesitate to reach out.

Sincerely,

A handwritten signature in blue ink that reads "Mark Jull".

Mark Jull, PhD, RPP, MCIP
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