# A3 Staff Report

Planning Considerations for Additional Short-Term Accommodations within an Existing Retreat Use

# Date: September 18, 2025

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# Reference Property for Focused Discussion:

The following report offers a focused review of short-term accommodations at REDACTED, (formally REDACTED, the subject property.

Property Legal Address:

576799 Concession 9

Chatsworth Township

ARN 420436000202000

# Executive Summary

This report responds to a motion passed at the July 17, 2025, Commission Meeting for Staff to confirm whether the existing geodesic domes are included in Development Permit 2025-00078, clarify permitting requirements for both existing and proposed domes, and provide an update to the Commission at the September 2025 meeting. The report provides a planning-based analysis that includes Niagara Escarpment Plan (NEP) policy, regulatory and legislative framework, for the installation of short-term accommodations (STAs) using camp-style structures identified as: yurts, geodesic domes, and tent-like installations. This analysis is intended both to clarify how policy is currently applied in relation to camping on the subject property and to inform the Commission’s deliberation on a motion regarding policy interpretation.

An Ontario Land Tribunal (OLT) decision issued on December 19, 2024, confirmed the property's Existing Use, which includes group retreats, short-term accommodation within the farmhouse, and a range of recreational, educational, and event-based activities. The farmhouse is currently the only structure recognized for STA use by decision of both the Niagara Escarpment Commission (NEC) and the OLT, and as established in Development Permit DP-2025-00078.

A Development Permit Application as well as an Interim Proposal and Resolution Report (IP) seek confirmation for using camp-style structures (which is inclusive of yurts, geodesic domes, and tent-like installations) for continuation of day-use activities or overnight accommodations on the subject property.

Clarification is sought because the establishment of camp-style structures to support STA as part of the retreat function, was not included in the approvals associated with the property’s Existing Use. These structures are not included within what is currently permitted under Development Permit DP-2025-00078. Additionally, camping as a use, is not a permitted use within Part 1 of the NEP for the Escarpment Protection land use designation and such facilities are not exempt from requiring a Development Permit under R.R.O. 1990, Regulation 828: *Development within the Development Control Area* (Ontario Regulation 828).

The establishment, and use of camp-style structures, whether for day-use to support the retreat functions or as STAs, constitutes *Development,* whichis broadly defined to include any change in the use of land, building or structure in the *Niagara Escarpment Planning and Development Act* (NEPDA). Given these considerations, any camp-style structures must be reviewed through a Development Permit Application. A review through a Development Permit Application will include analysis of both Part 1 and Part 2 policies of the NEP. Proposed *Development* must be a permitted use under Part 1. Where Existing Use is a permitted use in Part 1., any proposed *Development* for an Existing Use must consider **Existing Use policies under Part 2.3.** These policies allow for a change to a similar or more compatible use, provided it can be demonstrated that the objectives of the Escarpment Protection Area designation, that applies to the subject property, are met. The policies also allow for expansions or replacement to an Existing Use. The Existing Use policies provide a framework within which such uses may be considered and regulated.

Policy interpretation is sought from the Commission to determine whether camp-style structures are similar in function to the farmhouse STA, to which the Existing Use policies of Part 2.3 should apply. Should it be determined that Part 2.3 policies not be applied, camping is not a permitted use, and proposed development for establishment of camp-style structures on the property would require a recommended refusal from NEC staff to avoid conflict with the NEP.

Based on the outcome of the Commission policy interpretation, the current Development Permit Application submission will be evaluated against the policies of Part 1 and Part 2 of the NEP, and Provincial Planning Statement to determine permissibility and alignment with the Plan. Upon completion of this evaluation, a Notice of Decision will be issued in accordance with the legislative requirements of the NEPDA.

The remainder of this report expands on the Executive Summary and presents a motion for the Commission regarding policy interpretation relevant for reviewing a Development Permit Application involving the expansion or replacement of STAs uses with camp-style structure on the subject property. No decision is being sought on a Development Permit Application at this time; rather, this report responds to a delegation request and Commission direction to staff regarding the status of camp-style structures in relation to permitted uses.

# Recommended Motion

Where a farmhouse has been recognized as an *Existing Use* for the purpose of the providing short-term accommodation;

Whereas Condition 2 of Development Permit DP 2025-00078 requires additional accommodation structures beyond the farmhouse must be approved through a future development permit application;

Whereas the provisions of the *Existing Use* polices of the Niagara Escarpment Plan allow for a change to a similar or more compatible use, expansion and/or replacements;

Whereas the camp-style structures (i.e., yurt tents, geodesic domes and tent-like structures) for the subject property are considered to be used for short term accommodations;

Be it resolved that the Commission interprets the camp-style structures for the subject property be considered an *Existing Use* as a function of the farmhouse short-term accommodation where it can be demonstrated through a Development Permit Application that they meet policies of Part 2.3 and all applicable Part 2.0 Development Criteria.

# Background

This report is before the Commission as an outcome of a resolution from the July 17, 2025, Commission Meeting where the following direction was affirmed in response to a delegation request from the property owner:

"That the delegation request be denied and directs staff to engage with the landowners of REDACTED (renamed REDACTED) and:
1. Confirm if the existing geodesic domes are included in the approved existing uses in Development Permit 2025-00078,
2 Confirm the permitting requirements for both existing and proposed geodesic domes on the property, and
3. Provide an update to the Commission at the September 2025 meeting.”

Presented here are several key factors relevant to the examination of the planning framework in this report:

* A NEC issuance of Notice of Violation for *Development* /uses occurring without the issuance of a Development Permit.
* Two recent Development Permit applications, G/A/2022-2023/583 and G/C/2023-2024/259 focused on recognizing an existing retreat use that received decisions from the Commission.
* An Ontario Land Tribunal (OLT) decision that confirmed a retreat use as an Existing Use, following the definition in the NEP, for the subject property. See Appendix 1.0, OLT Decision.
* The issuance of Development Permit 2025-00078 detailing the activities associated with the Existing Use. See Appendix 2.0, Development Permit.
* A delegation request to review a current Development Permit Application as a minor expansion to an Existing Use and would not require the issuance of a Development Permit because it is a continuation of a retreat model that has operated on the property. See Appendix 3.0, Delegation Request.
* The owner submitted Interim Proposal and Resolution Report that proposes multiple decks and domes to be considered as a continuation of an Existing Use and is given NEC support without requiring a Development Permit. See Appendix 4.0 – Interim Proposal and Resolution Report.

The subject property is an approximate 34.8 hectare (86 acres) in area and located at the corner of Concession 9 and Massie Road. The Minor Urban Areas of Massie and Walters Falls are approximately 5.0 kilometers to the west and east. The lands are within the Escarpment Protection Area, Escarpment Natural Area and the Area of Development Control.

Currently there is a Development Permit Application APP-2024-00102 with the NEC for review. The application was paused until an OLT decision and issuance of a Development Permit for Development Permit Application G/C/2023-2024/259 for establishing an Existing Use. The current Development Application is still in the intake stage of confirming the proposal and area of development but generally seeks to construct 195 square metres (2100 square feet) of retreat space, 73 square metres (785 square feet) for a meeting dome. The development includes seven decks for the facilities to be placed on.

In addition to the current Development Permit Application, there is the submission of an Interim Proposal and Resolution Report (IP) that seeks:

* 5 decks each with non-permanent accommodation dome tent 5x71 square metres (768 square feet)
* 1 deck with a non-permanent gathering dome tent 149 square metres (1600 square feet)
* 1 deck with 2 non-permanent dome tents at Sky Camp 185 square metres (2,000 square feet)
* 1 deck as an extension to a single dwelling 149 metres square (1600 square feet)
* Total of 838 square metres/9020 square feet of non-permanent deck

The Development Permit Application and the IP share similarities in seeking the establishment of additional accommodations and retreat space on the subject property.

# 2.0 Permit and Policy Considerations for Retreat – related Short Term Accommodation Facilities

Over the past two years, the NEC and staff were actively engaged with two Development Permit applications, site use considerations and related policy discussions regarding the subject property. The central planning and policy considerations was whether REDACTED, renamed REDACTED, was recognized as an Existing Use by definition of the NEP.

In July of 2023, the Commission refused Development Permit Application G/A/2022-2023/583, determining that a retreat was not a recognized Existing Use which also resulted in not recognizing on farm camping for approximately 30 people and declining the proposed expansion, that included the installation of camp-style structures. Development Permit Application G/C/2023-2024/259 (note ‘C’ is used in the Staff Report to the Commission but is referenced as ‘A’ in the OLT documents), was presented to the Commission in October of 2023. Following its referral to the November 2023 meeting, the Commission prepared and passed a recommendation to recognize a retreat as an Existing Use. However, in its decision, the Commission did not recognize camping as an Existing Use and excluded on-farm camping for approximately 50 people, and confirmed short-term accommodation in the farmhouse through conditions of permitting. The Commission’s decision was appealed to OLT.

This question of Existing Use was resolved through an OLT decision issued on December 19, 2024. The OLT Hearing Officer affirmed in the Notice of Decision that the “fundamental issue in this Appeal is whether the NEC decision is correct and should not be changed given the provisions of the NEPDA and the NEP.” And concluded:

“that the decision of the Niagara Escarpment Commission to conditionally issue a Development Permit in file No. G/A/2023-2024/259 is correct and should not be changed. The Niagara Escarpment Commission’s decision is deemed to be confirmed pursuant to section 25(12) of the Niagara Escarpment Planning and Development Act.”

Following this decision, the NEC issued Development Permit No. DP-2025-00078 on May 13, 2025. With the proposal and conditions accepted by the OLT Hearing Officer, the Development Permit recognized the Existing Use of the property as the following:

* Hosting group retreats and providing short-term accommodations.
* Events:
	+ Workshops and classes (farming & spiritual classes)
	+ Tours (farm tours, wagon rides apple picking, etc.)
	+ Celebrations (honeymoons, weddings, family reunions)
	+ Camps (youth groups)
	+ Retreats (multi day and week-long retreats for groups)
* On-site sales (apples, produce, honey, books and spiritual items)
* Offering recreational, fitness, and educational experiences including trail hikes,
* Swimming, volleyball and cross-country skiing on the property.

In this report, the term ‘Existing Use’ refers to the bulleted activities detailed above. Existing Use is a defined term in the NEP, see Appendix 5.0 for the full definition. It is subject to specific policies outlined in Part 2 of the NEP, which must be considered when reviewing expansions, replacements, cessation or changes to an Existing Use.

Short term accommodations(STAs) have been intentionally emphasized above, as this Staff Report focuses on the use of yurt tents, geodesic domes and tent-like structures (as outlined in the Request for Delegation), collectively referred to as camp-style structures throughout the remainder of this report, to facilitate STAs on the subject property. The use of camp-style structures as accommodations is central to the clarification being sought for how they are considered under the current planning framework, the confirmed Existing Use on the property, the recent issued Development Permit, a Development Permit Application submitted to the NEC for review and the recent submission of an IP by the property owner.

With respect to camp-style structures used as STAs, it is understood that a structure, referred to as Sky-camp is currently present on the subject property. In the current Development Permit Application and IP, camp-style structures are proposed to provide STAs.

To support policy examination of camp-style structures as STAs, the following questions have been identified in the request for delegation and the IP, either directly raised within the submissions or emerging because of its review:

1. How are camp-style structures considered in the NEP, NEPDA or R.R.O. 1990, Regulation 828: *Development* within the Development Control Area (Ontario Regulation 828), in terms of requiring a Development Permit, qualifying for an exemption or being inclusive within DP-2025-00078?
2. Can the current on-site use of a camp-style structure and associated accessory facilities (Sky-camp) potentially constitute a Existing Use, or does it represent a new form of *Development* that may be reviewed under the Development Permit framework?
3. What are the Development Permit Requirements for a Current Development Permit Application?
4. What are the Development Permit Requirements for the IP?

This Staff Report provides policy context and analysis to address the questions above. It does not assess compliance matters or examine other permitted Existing Uses beyond STAs.

## Regulatory and Policy Framework

To assess how camp-style structures used for STAs relate to the definition of *Development* and the Existing Use for the property, this section examines how such structures are addressed under the NEP, NEPDA and Ontario Regulation 828.

The analysis is guided by five key policy and regulatory tests used to determine whether a proposed use or structure is permitted, requires a Development Permit or may be exempt from requiring Development Permit within the Niagara Escarpment Area of Development Control (Development Control).

The NEPDA is a provincial act, which establishes the legal framework for requiring or exempting Development Permits for proposed *Development* within Development Control. Under the NEPDA, *Development* is broadly defined to include any change in the use of land, building or structure. The overarching objective of the NEPDA and NEP is to ensure that proposed *Development* is compatible with their respective purpose and objectives.

Ontario Regulation 828 outlines the conditions under which certain classes of *Development* maybe exempt from obtaining a Development Permit, provided it:

* is listed as a permitted use under the NEP; and
* does not conflict with any existing Development Permit

**Five–part Assessment for Determining Permissibility, Permit or Exemption**

To determine whether the establishment of camp-style structures as STAs is permissible or exempt from requiring a Development Permit, the following tests are applied:

1. Development: Does the proposal meet the definition of *Development*?
2. Location: Is the proposed *Development* within Development Control?
3. Permitted Use: Is the proposed use identified as permitted use under Part 1 of the applicable land use designation, and does it reflect consideration of any conditions previously imposed through an issued Development Permit?
4. Exemption Criteria: Does the proposal meet the exemption criteria under Ontario Regulation 828; specifically, is it a permitted use in Part 1 of the NEP, does it satisfy the criteria outlined in the exemption provisions; and does it avoid conflict with any issued Development Permit?
5. Development Criteria: When a Development Permit is required, does the proposal meet the Development Criteria outlined in Part 2 of the NEP.

This five-part assessment is applied below specifically for the subject property.

**Assessment 1: *Development***

By definition, *Development* includes any change in use of land, building, or structure. Therefore, the installation of camp-style structures for short term accommodations constitutes *Development*, regardless of if they are perceived to be temporary or portable, as they introduce both physical structures and a new land use. The temporary and portable nature of a *Development* is discussed in further detail later in the report.

**Assessment 2: Location**

The subject lands are within the area of Development Control. As such, consideration of any proposed *Development* requires a Development Permit unless it qualifies for an exemption under Ontario Regulation 828.

**Assessment 3: Permitted**

The subject lands are designated as **Escarpment Protection Area (EPA)** and **Escarpment Natural Area** under the **NEP**. The EPA designation is less restrictive and generally more suitable for directing *Development*

Under Part 1 of the NEP within the EPA designation, **Existing Use, unserviced camping** on **public and institutional lands, and accessory uses are permitted**. These uses are outlined below as they are most applicable uses to consider in determining if camp-style structures as an STA are a permitted use.

**Existing Use**.

**Development Permit No. DP-2025-00078**, issued following the OLT decision, confirms that the STA for the property is currently permitted **within the existing farmhouse only**. Relevant conditions include:

* **Condition 2**: Additional accommodation structures beyond the farmhouse must be approved through a future Development Permit Application.
* **Condition 6**: Retreat accommodations must be included in the Final Site Plan and meet the Ontario Building Code to the satisfaction of the Municipality of Chatsworth.

Further to these conditions, the current approved Final Site Plan does **not include any STA accommodations beyond the farmhouse. A**ny introduction of such accommodations must conform with Development Permit Condition 2, which directs that they be considered under a Development Permit Application.

As the STA in the farmhouse is recognized as an **Existing Use**, any expansion, replacement or change to that use, may be considered through a **Development Permit Application and would be evaluated under Part 2 of the NEP,** including the **Existing Use policies in Part 2.3**. These policies permit expansion, replacement, or change to a similar or more compatible use, subject to the applicable provisions. See Appendix 6.0 for Part 2.3 Existing Use Policies.

Camping was **not identified** as part of the **OLT confirmed Existing Use**. In the OLT Notice of Decision, the **Hearing Officer** noted a request from **the applicant’s Legal Counsel** recommending that the **Minister** expand the permitted uses to include camping. This request was denied, with the Hearing Officer concluding that the **NEC’s decision was correct and should not be changed**. As such, camping accommodations on the subject property are not considered an Existing Use. Camping is also not a permitted use.

A policy interpretation is required from the Commission to determine whether camp-style structures proposed as STAs aligns functionally with the existing farmhouse STA and the Part 2.3 policies applied in reviewing the current Development Permit Application. If the Commission determines that camp-style structures closely resemble camping, and therefore not subject to Part 2.3 policies, NEC staff will recommend refusal for a Development Permit Application to not conflict with NEP policy.

**Unserviced Camping**

Unserviced camping on public and institutional land (outside of prime agricultural areas) is a permitted use in the EPA designation, however, the subject property **is neither publicly owned nor falls under the definition of institutional use, which is** defined as:

“Use of land, building or structure for some public or social purpose that may include governmental, religious, educational, charitable, philanthropic, hospital or other similar use, including cemeteries, to serve the immediate community.”

Institutional uses are generally intended to serve the public or community for their benefit, in contrast to commercial uses, which are typically market-oriented and focused on tourism, external demand for profit. As such, unserviced camping is not a permitted use on this property.

**Accessory Use**

Although **accessory uses** are permitted within the EPA designation, the installation of STA facilities beyond the farmhouse does **not meet the criteria** for being an accessory use. This is because:

* the NEP defines accessory use as one that is “**naturally and normally incidental, subordinate, and exclusively devoted to the principal use. T**he IP identifies that the farmhouse is not currently intended to function as an STA. Therefore, the establishment of a camp-style structure for STA purposes would not be incidental and subordinate to the farmhouse use. Instead, they would function as the principal STA on the property, which falls outside the definition of accessory use; and
* **the definition of** accessory use includes ‘facilities’, the NEP definition for accessory facilities, specifically excludes detached buildings or structures **intended for human habitation. Camp-style structures used for STA are intended for** intermittent human habitation and therefore do not qualify.

As such, the establishment of STAs in camp-style structures does not meet the definition for an accessory use and would not be considered permissive as an accessory use in the EPA designation.

**Summary of Permitted Uses**

Under the current NEP policies, the consideration of camp-style structures for STAs, is not considered a permitted use in the EPA designation. A motion has been included for Commission consideration, through policy interpretation, whether camp-style structures should be considered under Part 2.3 Existing Use policies as a function of the farmhouse STA. Where the introduction of camp-style structures for STAs are not to be considered under Part 2.3, they are a non-permitted use under the Part 1.0 of the NEP and would result in a recommended refusal of any Development Permit Application.

**Assessment 4: Exemption Criteria**

Ontario Regulation 828 does not identify the establishment of retreat use or facilities in the form of camp-style structures as a class of *Development* exempt from requiring a Development Permit. As discussed, the current STA use in the farmhouse is permitted as an Existing Use under Development Permit DP-2025-00078. Condition 2 states that, additional accommodation structures beyond the farmhouse must be approved through a future Development Permit Application. Accordingly, the establishment of camp-style structures for STA purposes is not exempt and requires formal consideration and a NEC decision.

In 2024, the NEC issued a policy interpretation clarifying that a STA within a single dwelling or a legally established secondary dwelling unit does not require a Development Permit. This interpretation applies where the STA use remains consistent with that of a single household.

The interpretation specifies that such a STA use must occur within a single dwelling or legally established secondary dwelling unit, and not in any other building or structure on the property.

The interpretation does not extend to retreat uses, hotels, motels, or bed and breakfast establishments that involve multiple STAs within a single building.

In the case of the subject property, the 2024 interpretation does not apply, as the STA use is directly associated with the farmhouse in its function as a retreat and not as a single dwelling. Furthermore, the proposed camp-like structures intended for STA purposes falls outside the scope of the interpretation.

**Assessment 5: Development Criteria**

Where a Development Permit is required, proposals must meet the Development Criteria outlined in Part 2 of the NEP.

The Development Permit Applications submitted in 2023 and 2024 for the subject property focused on determining whether the retreat function qualified as an Existing Use under Part 1 policies of the NEP; therefore, Part 2 Development Criteria policies were not analyzed in detail. That analysis would occur through the review of the existing Development Permit Application.

## Current on-site use of a Camp-style Structure and Supporting Facilities

Currently, on site there is a camp-style structure equipped with a woodstove, kitchenette, and sleeping accommodations, situated on a deck with a bio-toilet, sauna, and woodshed. Known as Sky-camp, these facilities have been established without the issuance of a Development Permit. Ontario Regulation 828 does not provide any exemption from the requirement to obtain a Development Permit for camp-style structures.

Clarification has been sought as to whether the Sky-camp, initially put in place as an STA could be considered exempt from requiring a Development Permit on the basis that these structures and their associated facilities are removable, and therefore may be interpreted as temporary or portable in nature. A policy interpretation of temporary and portable is provided below.

**Interpretation of Temporary and Portable Use Exemptions under Regulation 828**

Regulation 828 outlines classes of *Development* within the Area of Development Control that are exempt from Development Permit requirements provided they meet specific criteria. Camp-style structures as an STA are not included as an exemption in Regulation 828.

The regulation includes exemptions for certain temporary or portable structures. Relevant examples include:

* **Temporary** Special Event Tents. Exempt if all of the following conditions are met:
	+ The tent is situated on a lot for no more than **30 days** in any calendar year.
	+ It does not require servicing facilities or the construction of a permanent foundation.
	+ It does not result in a change in use of the land upon which it is situated.
	+ **Portable, Seasonal** Farm Produce Stands or Market Structures
	+ Must be accessory to general agricultural development.
	+ **Portable** Storage Compounds, Works Yards, or Trailers
	Used in or incidental to the construction of public works, provided:
	+ They are not used as dwellings.
	+ They are **removed within one year** **or upon completion** of the public works project, whichever comes first.
	+ **Portable Tool Sheds, Scaffolds, or Trailers**
	+ Used in or incidental to approved development, provided:
	+ They are not used as dwellings.
	+ They are located on the same lot as the approved development.
	+ They are **removed within one year** **or upon completion** of the development.
* School Classroom **Portables**
	+ Must be **accessory** to an existing educational facility on land owned by a school board, college, or university.
* **Portable Recreational Trailers or Vehicles**
	+ Permitted on existing site within a **seasonal campground or trailer park**, with associated facilities allowed under specific conditions (e.g., setbacks from lot lines).

Although neither Ontario Regulation 828 nor the NEP explicitly define “temporary” or “portable,” a consistent set of characteristics can be drawn to how temporary and portable are considered in the Regulation from the exemptions provided above. These include:

* **Accessory to an Existing Permitted Use**
The structure must support or be incidental to a primary, permitted land use such as agriculture, education, recreation, or approved *Development*.
* **Timebound or Seasonal Use**
While not all exemptions specify a fixed duration, the underlying intent is clearly temporary. For example:
	+ Special event tents are limited to 30 days per calendar year.
	+ Construction related trailers and compounds must be removed within one year or upon project completion.
	+ Recreational trailers are permitted only within **seasonal campgrounds or trailer parks**, implying a **limited operational window (typically six months or less)**. It is important to note that the seasonal campgrounds are permitted on public or institutional lands, or if established as an Existing Use.
	+ Portable classrooms, though not time-limited in the regulation, are understood to be **temporary solutions** tied to fluctuating enrollment and facility needs.
	+ **Removability and Mobility**
	Structures must be portable or easily removable, reinforcing their temporary nature and minimizing long-term environmental or planning impacts.

While the camp-style structure and accessory facilities can be removed with minimal to no impact on the land, their year-round presence and use indicate an inconsistency with the regulatory understanding of “temporary” or “portable” under Ontario Regulation 828.

**Clarification Regarding Tent Structures for Accommodation**

While Ontario Regulation 828 provides an exemption for temporary tents used in support of special events, this exemption is narrowly defined. It applies to tents that support a short-term event and excludes those used for a period no longer than 30 days in a calendar year.

Identifying dedicated areas on a property for camp-style structures intended for reoccurring or year-round, constitutes a change in land use to be considered under a Development Permit Application.

**Regulatory Considerations**

Under Section 24(1) of the NEPDA, where Development Control is established, no person shall undertake *Development* unless it is exempt or authorized by a Development Permit. *Development* that occurs without meeting these requirements is considered non-compliant and may be subject to enforcement action.

Ontario Regulation 828 does not include criteria for the use of camp-style structuresfor STA. Therefore, based on the above assessment, the current Sky-camp and any future structures do not meet the intent or criteria of the exemptions outlined in Ontario Regulation 828. Where such structures are desired a Development Permit Application submission and issuance of a Development Permit satisfying the policies of the NEP, is required.

## Development Permit Requirements for a Current Development Permit Application

Under the NEPDA, the Minister delegates authority to the Commission of the NEC and to designated officers (the Director) to issue Development Permits. This delegation enables the issuance or refusal of permits in accordance with the policies of the NEP.

Where it is determined that a proposal meets the definition of *Development* and it is **not exempt** under Ontario Regulation 828, an application must be submitted, and a decision rendered. The NEPDA does not provide the ability to withhold a Notice of Decision once a final decision on the Development Permit Application has been made.

Pursuant to Section 25(5) of the NEPDA, a Notice of Decision on an application for Development Permit shall be circulated by the NEC to the Minister, the applicant, any person who requests notice and all assessed landowners within a 120-metres of the subject lands. The issuance of a Notice of Decision is followed by a 14-day notice period where the recipient may seek clarification or appeal the decision. Where an appeal is made, the application is referred to the OLT for review and decision-making.

The NEC received a Development Permit Application for the subject lands in February 2024 which is refenced as APP-2024-00102. The application brief describes the proposal as an expansion of the permitted accommodation use, extending from the current lodge/residence into proposed accessory structures.

The application is currently in the initial intake phase and requires staff review to confirm application submission materials and to assess the proposed *Development* against the NEP and relevant policies. The application was paused during the OLT process and following the issuance of a Development Permit DP-2025-00078 in May 2025.

Following the outcome of the Commission’s policy interpretation and direction to staff, NEC staff will work with the applicant and proceed with a review of the Development Permit Application, applying the policies of the NEP.

As the NEC has received a Development Permit Application, absent of its withdrawal by the applicant it must be processed and reviewed ultimately to the issuance of a Notice of Decision.

## Development Permit Requirements for the Interim Proposal and Resolution Report

NEC staff have received an IP as part of the Delegation Request materials. The IP describes the proposal as a continuation of the existing and ongoing use of the property.

The IP requests confirmation of day-use activities in alternative installations, while overnight accommodations remain under consideration. NEC staff confirm that retreat uses permitted under Development Permit DP-2025-00078 are valid as Existing Uses. However, any new structures intended to support those uses that are not part of Development Permit DP-2025-00078 and are not exempt under Ontario Regulation 828, will require evaluation through a Development Permit Application.

Alternatively, if the Sky-camp and associated facilities or any camp-style structures were used temporarily (not more than 30 days in a calendar year) to support an event, they may be exempt under Regulation 828.

The IP proposes STA units in dome tents, a gathering dome and associated decking as an intended continuation of the property's established use and are being submitted with the request that they are formally acknowledgement by the NEC Director. However, the OLT decision has not confirmed camping as a permitted use on the property.

The IP also indicates that the farmhouse is not proposed to operate as an STA in the imminent timeframe due to its age and condition. The proposed shift to camp-style structures represent a change in the STA. This change, whether it expands, replaces, or ceases (temporarily or permanently) use of the farmhouse, requires policy interpretation from the Commission and consideration under a Development Permit Application to determine how Existing Use policies apply and if there is a change in the farmhouse use that needs to be determined. The farmhouse has currently been recognized as a STA for a permitted Existing Use. If its intended use is to shift to that of a single dwelling, this change should be formally established to ensure alignment with NEP policies.

The IP cites several exemption clauses under Ontario Regulation 828, including:

* 5(11.3): Accessory buildings/structures to a single dwelling
* 5(16): Outdoor pool/spa/hot tub accessory to a single dwelling
* 5(21): Patio, porch, deck, or verandah as an extension to a single dwelling
* 5(34): Special event tents

Except for section 5(34), these exemptions apply solely to *Development* associated with a single dwelling. The camp-style structures appear to be intended for STAs linked to the Existing Use, rather than a single dwelling. Therefore, the cited exemptions do not extend to retreat-related activities.

Regarding clause 5(34), the erection or removal of a temporary special event tent are exempt from the requirement to obtain a Development Permit if:

* They are in place for no more than 30 days in a calendar year
* They do not require a permanent foundation or servicing facilities
* Does not change the use of land

A Director’s decision, specific to the subject property, dated June 22, 2023, confirmed that tents and associated facilities for one-time events do not require a permit. This decision included temporary tents for camping. While staff initially indicated camping would require a permit, the Director’s decision clarified that temporary camping structures for events are exempt following 5(34).

In summary, the IP seeks confirmation of day-use and overnight retreat activities using camp-style structures. NEC staff confirm that retreat uses permitted under Development Permit DP-2025-00078remain valid. However, proposed structures not included in Development Permit DP-2025-00078 and not exempt under Ontario Regulation 828 require consideration under a Development Permit Application and issuance of a Development Permit. If there is a proposed shift from a farmhouse STA to camping-style accommodations, it represents *Development* that must be reviewed under applicable NEP policies. Exemptions cited in the IP apply only to a single dwelling use and do not extend to retreat uses. Exemption 5(34) may be applicable for the temporary use of camp-style accommodations, provided the specific limiting provisions outlined in the regulation are met.

# 3.0 Summary

This report examines the use of camp-style structures as short-term accommodations (STAs), within the planning framework of the NEPDA, the NEP, Ontario Regulation 828 and the issuance of Development Permit DP-2025-0078.

Summary of analysis:

* Based on the current planning framework, camp-style structures used as permanent STAs are a form of *Development* that is not permitted on the subject property.
* Exemptions may apply following Ontario Regulation 828 only if:
	+ A structure is temporary and used for a special event (s.5(34))
	+ It is accessory to general agricultural development (s.5(9))
	+ All provisions and definitions of Ontario Regulation 828 must be satisfied
* An on-site sky-camp and related facilities as well as any proposed are not currently included in the approved Existing Use under Development Permit 2025-00078.
* By decision of the OLT, the farmhouse is the only confirmed STA currently permitted on the subject property.
* Camping is not included as an Existing Use under the current OLT decision and Development Permit 2025-00078.
* Camping is not a permitted use in the EPA designation.

A policy interpretation is needed, whether camp-style structures should be considered under Part 2.3 Existing Use policies as a function of the farmhouse STA If the Commission determines that camp style structures used as STA’s could not meet the permitted uses of the Escarpment Protection Area designation and would therefore not be permitted.

# Prepared by:

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A/Senior Strategic Advisor

# Approved by:

Original signed by

Shawn Carey

Director

# Attachments:

Attachments have been circulated to the Commission only.

Appendix 1.0 - OLT Decision

Appendix 2.0 - Development Permit

Appendix 3.0 - Delegation Request

Appendix 4.0 – Interim Proposal and Resolution Report

Appendix 5.0 – Existing Use Definition

Appendix 6.0 - Part 2.3 Existing Use Policies