

**Ministry of Municipal
Affairs and Housing**

Municipal Services Office
North (Sudbury)
159 Cedar Street, Suite 401
Sudbury ON P3E 6A5
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**Ministère des affaires
municipales et du logement**

Bureau des services aux
municipalités du Nord (Sudbury)
159 rue Cedar, bureau 401
Sudbury ON P3E 6A5
Tél.: 705 564-0120
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April 22, 2024

Serge Ayotte
Northwoods Lodge
PO Box 139
Cartier, Ontario P0M 1J0
Email: northwoods598@gmail.com

via email only

Subject: GRANTING OF PROVISIONAL CONSENT
Location: PIN 73326-0008, Location AE-208, Plan AE208 PCL11933,
unorganized Township of Ulster, District of Sudbury
Owners: Serge and Tuula Ayotte
Contact: Serge Ayotte
MMAH File: 52-C-202036

Dear Serge Ayotte,

Pursuant to Section 53 of the *Planning Act*, a provisional consent is hereby granted in respect of the above-noted application. A list of the conditions that must be fulfilled before consent is given is attached. It is the applicant's and/or agent's responsibility to fulfill the conditions of consent approval within two years of the date of this letter.

Yours truly,

A handwritten signature in black ink, appearing to read "Megan Grant".

Megan Grant
Team Lead - Planning
Community Planning and Development
Municipal Services Office North (Sudbury)

Applicants: Serge and Tuula Ayotte
Contact: Serge Ayotte

Date of Decision: April 22, 2024

File Number: 52-C-202036

Date of Notice: April 22, 2024

Municipality / Township: Ulster unincorporated township,
District of Sudbury

Last Date of Appeal: May 12, 2024

Location: PIN 73326-0008, Location AE-208, Plan AE208 PCL11933

NOTICE OF DECISION

On Application for Consent Subsection 53(17) of the *Planning Act*

On April 22, 2024 the Minister of Municipal Affairs and Housing gave a provisional consent to Application No. 52-C-202036 for the creation of a new parcel in respect of land described as PIN 73326-0008 in the geographic township of Ulster, District of Sudbury. A copy of the decision is attached.

Who Has Appeal Rights

Other than the applicant, only a “specified person” or “public body”, as defined in s. 1(1) of the *Planning Act*, has the ability to appeal the decision to the Ontario Land Tribunal.

When and How to File a Notice of Appeal

Notice to appeal the decision to the [Ontario Land Tribunal](#) must be filed with the Minister of Municipal Affairs and Housing on or before the last date of appeal as noted above.

The notice of appeal should be sent to the attention of Alissa Moenting Edwards, Planner, at the address shown below and it must,

- 1) set out the reasons for the appeal, and
- 2) be accompanied by the fee prescribed under the *Ontario Land Tribunal Act, 2021* in the amount of \$400.00, payable to the Minister of Finance.

How to Receive Notice of Changed Conditions

The conditions of a provisional consent may be changed at any time before the consent is given.

You will be entitled to receive notice of any changes to the conditions of the provisional consent if you make a written request to be notified of changes to the conditions of approval of the provisional consent.

Other Related Applications

N/A

Getting Additional Information

Additional information about the application is available for public inspection during regular office hours at the address shown below.

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Mail Address for Notice of Appeal

Ministry of Municipal Affairs and Housing
Municipal Services Office North (Sudbury),
401-159 Cedar Street
Sudbury, ON P3E 6A5
Attention: Alissa Moenting Edwards, Planner
Telephone: (705) 618-5059

In addition, send a copy of your notice of appeal to the Minister of Environment, Conservation and Parks. You can provide notice by email at minister.mecp@ontario.ca or by mail at:

College Park
5th Floor, 777 Bay Street
Toronto, ON M7A 2J3

Appeal Rights under the Environmental Bill of Rights

The *Environmental Bill of Rights, 1993* provides a separate ability to seek leave to appeal decisions on consent applications that are posted to the Environmental Registry of Ontario (ERO). This appeal must be commenced within 15 days of the notice of decision being posted on the ERO. For more information about this appeal method, refer to the *Environmental Bill of Rights, 1993*, or <https://www.ontario.ca/page/environmental-bill-rights>.

The notice for this application is available to view on the ERO at <https://ero.ontario.ca/index.php/notice/019-8072>.



Megan Grant
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The Minister's conditions to the granting of consent for this transaction, **which must be fulfilled within two years from the date of the Notice of Decision**, are set out below. These conditions must be fulfilled prior to the granting of consent.

No. Conditions

1. That this approval applies to permit the creation of one new lot of 1 hectare in size with frontage MacDonald Bay Road, as described in the above-noted application and identified on Schedule A attached hereto and forming part of the decision, for the purpose of seasonal resource-based recreational use.
2. That the following documents be provided for the transaction described in Condition 1:
 - a. A copy of the application to transfer documents;
 - b. A schedule to application to transfer on which is set out the entire legal description of the parcel(s) in question. The Schedule will include the names of the parties indicated on application to transfer; and
 - c. A reference plan of survey, which bears the Land Registry Office registration number and signature as evidence of its deposit therein, illustrating the parcel(s) to which this consent approval relates.
3. That prior to final approval, and pursuant to subsections 53(12) and 51(25) and 51(26) or (27) of the *Planning Act*, the applicant shall enter into a Consent Agreement with the Ministry of Municipal Affairs and Housing, to its satisfaction, addressing the use and potential development of the severed lot, including:
 - a. the lot can only be used for resource-based recreational uses (including a recreational dwelling) and is not to be used for permanent residential or commercial uses;
 - b. provisions to obtain undertakings from the applicant and/or the applicant's lawyer to implement conditions and requirements, including that the Consent Agreement be registered on title in priority to other documents; and,
 - c. provisions relating to the enforcement of the Consent Agreement.
4. That prior to final approval, the Ministry must be advised in writing by Public Health Sudbury and Districts regarding the suitability of the retained and severed lots for sewage and water systems:
 - a. For the retained lot, the health unit should confirm:
 - i. That the existing septic was installed with a valid permit and that it meets required clearance distances (as per Ontario regulations 358 and 903, and the

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Building Code) to the proposed lot lines.

- ii. Whether there is the ability to accommodate additional installations (i.e., installing replacement parts of systems) and/or a new Class IV sub-surface sewage system, should it be required.
- iii. With respect to water services, if the lot has more than five (5) service connections, the health unit must indicate they approve of the water system, or that public health approvals are not required.

b. For the severed lot:

- i. The health unit should indicate that a new Class IV septic system could be installed to Code with appropriate setbacks.

c. With respect to water services, if the retained lot has more than five (5) service connections, the health unit must indicate they approve of the water system.

5. That prior to final approval, the Ministry must be provided with written confirmation from Conservation Sudbury indicating that a new Class IV septic system could be installed on the severed lot, in compliance with the conservation authority's permit requirements.
6. That prior to final approval, the Ministry must be provided written confirmation of adequate capacity to dispose of hauled sewage generated by the retained and severed lots. This written confirmation should take the form of a letter from the holder of an Environmental Compliance Approval for an approved septage disposal facility, confirming it has sufficient reserve capacity to accept any additional hauled sewage from these lots.
7. That prior to final approval, the Ministry must be provided written confirmation from the Ministry of Environment Conservation and Parks indicating that a satisfactory Record of Site Condition (RSC) and accompanying environmental site assessment (ESA), prepared by a qualified professional, is filed with MECP, as per Section 14(3) of Ontario Regulation 153/04 issued under the *Environmental Protection Act*, and that any required actions indicated in the RSC and ESA have been completed.
8. That prior to final approval, an archaeological assessment by a licensed archaeologist under the *Ontario Heritage Act* must be prepared and submitted. The assessment report must conform to the Ministry of Citizenship and Multiculturalism (MCM) standards and guidelines for Consultant Archaeologists (2011). The licensed archaeologist will send the assessment to MCM for review and registration. MCM will send an acceptance letter to MMAH when MCM requires no further assessment.

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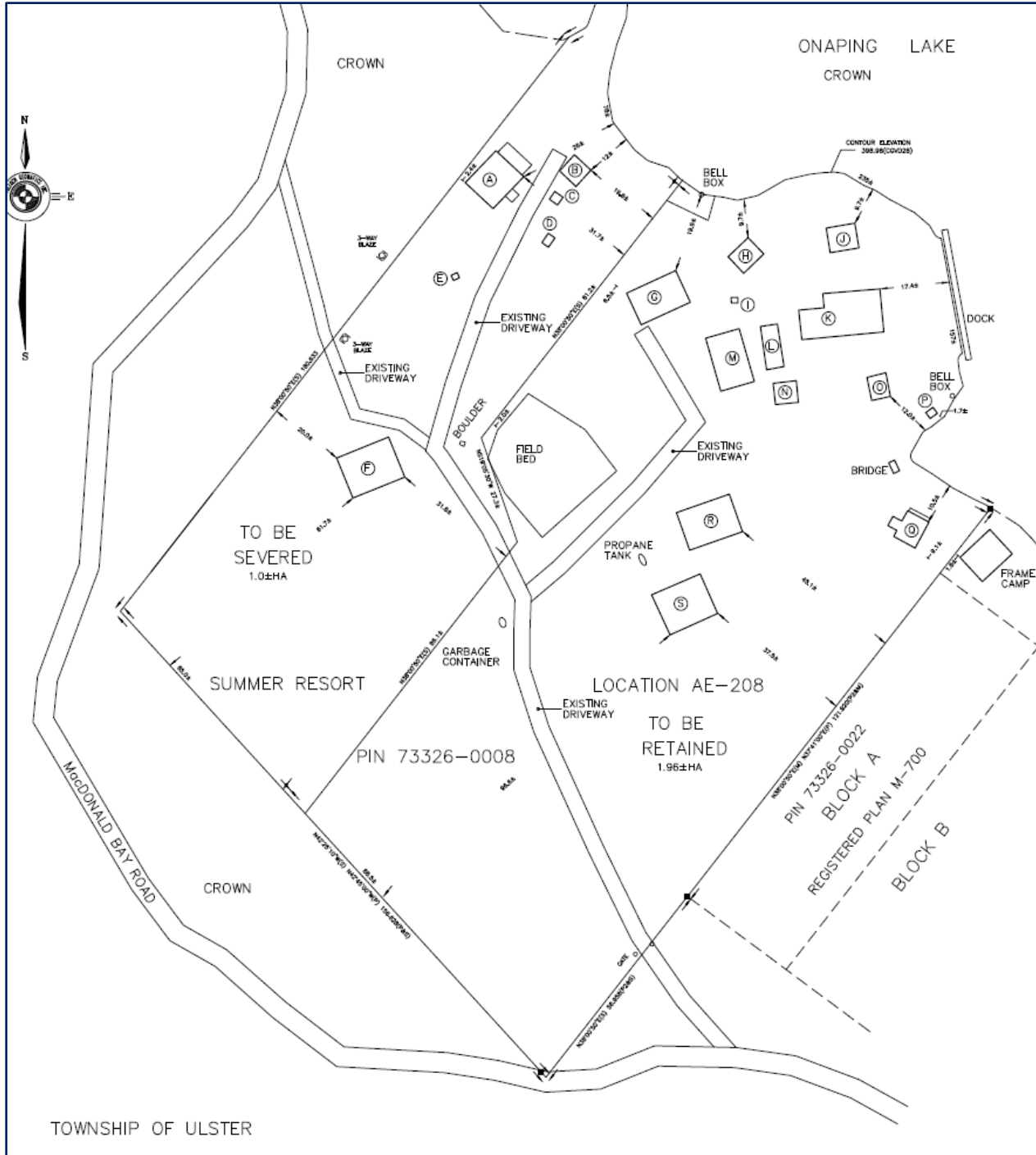
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Schedule A – Severed Lands



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The following notes are for your information:

No. Notes

1. The required Transfer/Deed of Land form and Schedule page shall contain a complete and accurate legal description. The Minister's certificate of consent will be affixed to the completed Schedule page. For this reason, the names of the parties also must be set out on the Schedule page, so that the consent may be properly related to the intended conveyance.

Inaccuracies or omissions with regard to the legal description in the Transfer/Deed of Land form, the Schedule page or the survey plan will result in the documents being returned without consent.

2. It is the applicant's and/or agent's responsibility to fulfil the conditions of consent approval within two years of the date of this letter pursuant to Section 53(41) of the *Planning Act*. **We will issue no further notice or warning of the expiration of the two-year period.**

If the conditions to consent approval are not fulfilled within two years of the date of this letter and the applicant is still interested in pursuing the proposal, a new application will be required. **All documentation required for final approval should be provided to the Ministry of Municipal Affairs and Housing a minimum of one month prior to the lapsing date.**

3. More information about the Record of Site Condition process can be found at the following link: <https://www.ontario.ca/page/submitted-record-site-condition>.
4. For further information on archaeological assessments, and to view a list of licensed archaeologists in Ontario please visit:
 1. <https://www.ontario.ca/page/archaeological-assessments> , and
 2. <https://www.ontario.ca/page/archaeologists-licensed-ontario>.

Please notify the MCM at archaeology@ontario.ca or 416-314-7620 if you discover that archaeological resources are impacted by any ground disturbing work on the property. All activities impacting archaeological resources must cease immediately, and a licensed archaeologist is required to assess the resources in accordance with the *Ontario Heritage Act* and the 'Standards and Guidelines for Consultant Archaeologists'.

Likewise, if human remains are encountered, all activities must cease immediately and the local police as well as the Registrar, Burials of the Ministry of Government and Consumer Services (416-326-8800) must be contacted. In situations where human remains are associated with archaeological resources, MCM should also be notified to ensure that the

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site is not subject to unlicensed alterations which would be a contravention of the *Ontario Heritage Act*.

Please be advised that a marine archaeological assessment would be required in circumstances such as shoreline alterations or the construction of docks. For more information, please refer to MCM's checklist, 'Criteria for Evaluating Marine Archaeological Potential' (enclosed).

5. Lower Onaping Lake is habitat for Lake Trout and several other fish species. Landowners are responsible for ensuring that all necessary measures are taken to protect fish habitat on their property. Approvals from the department of Fisheries and Oceans Canada (DFO) under Section 35 of the Federal *Fisheries Act* may be required for projects in and around water.

Prior to any work being done in Lower Onaping Lake or within 120 metres thereof, please review the following DFO information and contact them, if applicable:

1. [Measures to protect fish and fish habitat \(dfo-mpo.gc.ca\)](https://www.dfo-mpo.gc.ca/eng/1538271350001/1538271350001.html)
2. [Request a review of your project near water: Step 1. What this service offers \(dfo-mpo.gc.ca\).](https://www.dfo-mpo.gc.ca/eng/1538271350001/1538271350001.html)

6. Please be advised of the following with respect to your property:

- Water from nearby waterbodies should not be used for human consumption unless it is disinfected and/or treated to meet the Ontario Drinking Water Quality Standards, as stipulated in O. Reg. 169/03 of the *Safe Drinking Water Act*.
- No assessment has been undertaken for groundwater quality or quantity. Groundwater supplies may not be adequate to support the use of individual private wells.
- Should wells be considered as drinking water sources, they must be constructed in accordance with Regulation 903 – Wells, under the *Ontario Water Resources Act*.
- It is recommended that sewage systems be located where native soils are deepest and as far as possible from water (minimum of 30 metres).
- This subject lands are within the Greater Sudbury Source Protection Area.
- The 'Stormwater Best Management Practices for Camp Owners in Northeastern Ontario' (enclosed) outlines practices such as shoreline naturalization, vegetated buffer strips, infiltration trenches, and grassed swales, which maintain and improve lake water quality. Additional practices are listed in Appendix B of the Lakeshore Capacity Assessment Handbook (2010), which can be found at <https://www.ontario.ca/page/lakeshore-capacity-assessment-handbook-protecting->

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[water-quality-inland-lakes-ontarios-precambrian-0.](#)

- Domestic waste must be appropriately handled and disposed of at an MECP-approved waste disposal facility.
 - The Building Code is effective throughout Ontario and owners are responsible for ensuring their buildings and structures meet the appropriate code.
7. Should any site alteration occur on the subject lands (e.g., tree clearing, construction, installation of buildings or structures), or if demolition of existing buildings or structures is planned, this work would have the potential to impact species at risk or their habitat. Please send information about the planned work together with your Natural Heritage Screening report for the subject lands (Tulloch Environmental dated November 26, 2020; enclosed) to SAROntario@ontario.ca. SAR Ontario would then be able to advise if an ESA authorization is required before the activities could be undertaken. Please visit “How to avoid authorization” and “Permit types” (<https://www.ontario.ca/page/how-get-endangered-species-act-permit-or-authorization>) for more information.
8. Please contact Ontario Parks if there is work planned for lake-bed portions or land of the Onaping Lake Conservation Reserve. Examples of activities that would require a work permit include:
- The construction, expansion, or placement of any building, structure or thing;
 - Work on the existing roadways and driveways. Upgrading is not permitted.
 - The construction of any trail or road;
 - The clearing of land;
 - Filling of shore lands; and
 - Dredging of shore lands or any lands covered by water.
- Please note, the occupation of a provincial conservation reserve without authorization is prohibited. For example, a dock, even when affixed to a private property, is considered an occupation since the lakebed below is regulated as part of the conservation reserve. Such an occupation would require occupational authority in the form of a land use permit or license of occupation. Authorization to occupy land may be issued for approved commercial uses / activities, but not for private, non-commercial purposes.
9. Onaping Lake is a regulated water body managed as described in the Spanish/Vermilion Rivers Water Management Plan. The maximum operating limit for the lake is 1308.0 feet above sea level, with the authority to flood up to 1309.0 feet. Based on the design and flood tolerances of the water control structures on the lake, The Ministry of Natural

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Resources and Forestry recommends that new construction not occur below 1312.5 feet above seal level (except for structures required for water access).

10. Areas within 30 metres of the high-water mark of Onaping Lake are located within the administration area of Nickel District Conservation Authority (Conservation Sudbury). Any development within the regulated area, including new structures, additions to existing buildings, placement or removal of fill, site grading, or alterations to a watercourse require a direct application to Conservation Sudbury under Ontario Regulations 156/06 of the *Conservation Authorities Act*. A permit may also be required if work beyond 20 metres of the lake could impact the lake or drainage to the lake. The Conservation Sudbury web link for permits is here: <https://www.conservationsudbury.ca/permits-planning/>.
11. the subject lands are near areas of extreme potential for wildland fire. To protect your existing structures and your property from forest fires, MNRF recommends reviewing the "Wildland Fire Risk Assessment and Mitigation Reference Manual Chapter 7, Section 7.5.1.1. (<https://www.ontario.ca/page/wildland-fire-risk-assessment-and-mitigation-reference-manual>) and having a FireSmart plan. You can find information on FireSmart at <https://www.ontario.ca/page/firesmart>.