

Applicants: 6887431 Canada Inc.
Agent: Martin Weinberg
& Tara Rickaby

Date of Decision: January 24, 2025

File Number: 60-C-246449

Date of Notice: January 24, 2025

**Municipality /
Township:** Unsurveyed territory, District of Kenora

**Last Date of
Appeal:** February 13, 2025

Location: PIN 42150-3227, Block A Plan M-274, Mining Location d-107, Location cl 19556, Mining Location K5 located in the District of Kenora

NOTICE OF DECISION

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

On **the above noted date**, the Minister of Municipal Affairs and Housing gave a provisional consent to Application No. **60-C-246449** for the creation of a new lot from the property described as PIN 42150-3327 in unsurveyed territory, District of Kenora. A copy of the decision is attached.

When and How to File a Notice of Appeal under the Planning Act

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

The notice of appeal should be sent to the attention of Andrew Carr, Senior Planner, at the address shown below and it must,

- (1) set out the reasons for the appeal, and
- (2) be accompanied by the fee required by the Tribunal, fee chart available at <https://olt.gov.on.ca/fee-chart/>.

Who Has Appeal Rights under the Planning Act

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.

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

This application is related to applications 60-C-232065 and 60-C-246569. The effect of these applications is to create three (3) new lots from the property described as PIN 42150-3227.

Getting Additional Information

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

Mail Address for Notice of Appeal

Ministry of Municipal Affairs and Housing
Municipal Services Office North (Thunder Bay)
435 James Street South, Suite 223

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Thunder Bay, ON. P7E 6S7
Attention: Andrew Carr, Senior Planner
Telephone: (807) 630-3486

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/notice/019-9248>



Victoria Kosny
Manager, Community Planning & Development
Municipal Services Office – North (Thunder Bay)

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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 this letter** are set out below. These conditions must be fulfilled prior to the granting of consent.

No. Conditions

1. This approval applies to permit the creation of a new lot of approximately 1.24 hectares in size from PIN 62465-3227, as identified as Lot 2 on Appendix A, attached hereto and forming part of this decision, in the above-noted location in unsurveyed territory, District of Kenora.
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. This Schedule must also contain 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 the consent approval relates; and/or a legal description of the lands to be severed (and retained if requested) which is acceptable to the land registrar.
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 applicants shall enter into a Consent Agreement for the new lot with the Ministry of Municipal Affairs and Housing (MMAH), to its satisfaction, addressing the use and potential development of the new lot, including:
 1. The lot can only be used for resource-based recreational purposes (including a resource-based recreational dwelling) and is not to be used for permanent residential use;
 2. Provisions to obtain undertakings from the applicant and/or the applicants' lawyer to implement conditions and requirements, including that the Consent Agreement be registered on title in priority to other documents; and
 3. Provisions relating to the enforcement of the Consent Agreement.
4. That prior to final approval, MMAH receive written confirmation that the archaeological assessment report has been entered into the Ontario Public Register of Archaeological Reports and the report recommends that:

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- a. the archaeological assessment of the project area is complete; and
 - b. all archaeological sites identified by the assessment are either of no further cultural heritage value or interest (as per Section 48(3) of the OHA) or that mitigation of impacts has been accomplished through excavation or an avoidance and protection strategy. This may include additional provisions to be included in the agreement referenced in condition 3.
5. That prior to final approval, MMAH receive written confirmation that a Record of Site Condition has been filed on the Brownfields Environmental Site Registry, for Lots 1, 2 and 3 as identified on Appendix A. See notes for more information.
 6. That prior to final approval, MMAH receive written confirmation that the Crown lease adjacent to the property issued by MNR has been cancelled or amended as appropriate, in accordance with MNR requirements.
 7. That prior to final approval, MMAH receive written confirmation that a flowage easement to elevation 324.6 metres CGVD 1928 (Canadian Geodetic Survey Datum of 1928), is registered on the severed and retained lands provided a flowage easement or hazard land zone to the level does not already exist. See LWCB Flowage Easement Guide provided with this decision for further information.
 8. MMAH is to be advised in writing by the transferor that the Offer of Purchase and Sale agreement, or alternatively an acknowledgement by the transferor and transferees if the transaction is between family members, contains the following clause:
 - a. 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 this source of water be used in future on the lots.
 - b. Should wells be considered as drinking water sources, they must be constructed in accordance with Regulation 903 – Wells, under the Ontario Water Resources Act.
 - c. Water from the lake 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.
 - d. Small private sewage disposal facilities which have a daily sewage flow of 10,000 litres or less per day must be certified by the local Health Unit. Large private sewage disposal facilities which have a daily sewage flow of >10,000 litres, or communal systems, must be approved by the Ministry of the Environment, Conservation and Parks. The local Health Unit should be contacted for information on the proper installation and operation of Class IV septic systems and Class 1 (pit privy) sewage systems.
 - e. **The Northwestern district Health Unit has indicated that if the landowners intend to utilize the existing sewage system on Lot 2 on Appendix A for a new recreational dwelling, a Performance Level Review is required to ensure that the existing system is appropriate for the**

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proposed recreational dwelling.

- f. The use of Best Management Practices for shoreline development is strongly recommended. Best Management Practices such as shoreline naturalization and vegetated buffer strips can reduce the adverse effects of shoreline development on inland lakes. It is recommended that sewage systems be located where native soils are deepest, and at the furthest distance possible from the shoreline. Additional resources regarding Best Management Practices are listed in Appendix B of the Lakeshore Capacity Assessment Handbook, 2010, available at:
<http://www.ontario.ca/environment-and-energy/lakeshore-capacity-assessmenthandbook-protecting-water-quality-inland-lakes>.
- g. Domestic waste must be appropriately handled and disposed of at an approved waste disposal facility.

The following NOTES are for your information:

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. All buildings including those in unorganized territories have been required to comply with the Ontario Building Code since December 31, 1975.

At this time, in unorganized territory, building permits and the payment of permit fees are not required, except as they relate to the location and construction of septic systems. Inquiries about the Building Code Construction Standards should be made to:

Buildings and Development Branch
Ministry of Municipal Affairs and Housing
17th Floor, 777 Bay Street
Toronto, ON M7A 2J3
Telephone: (416) 585-6666
codeinfo@ontario.ca

3. Property owner(s) must contact Nick Badolato, Senior Municipal Supervisor, Operational Services, MTO at (807) 473-2053 prior to installing/constructing, making

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modifications to, or relocating entrances onto Mackenzie Portage Road.

4. A Record of Site Condition should be filed and accepted by MECP through the Brownfields Environmental Site Registry prior to the erection of any structures intended to be used for a more sensitive use. Both the Phase I and II ESAs submitted in support of the applications, may be used in filing the RSC, though further work may be required and MECP should be contacted for more information.
5. Owners and prospective buyers should contact the Northwestern District Health Unit for all sewage systems that require a permit, including greywater systems but excluding pit privies. The importation of suitable fill may be required to construct sewage treatment systems to the satisfaction of the Northwestern District Health Unit. The Health Unit can also provide information on construction requirements, including minimum distances required between sewage systems and sources of potable water.

The Northwestern district Health Unit has indicated that if the landowners intend to utilize the existing sewage system on Lot 2 on Appendix A for a new recreational dwelling, a Performance Level Review is required to ensure that the existing system is appropriate for the proposed recreational dwelling.

6. New wells must be installed in accordance with the requirements of Ontario Regulation 903 (Wells). Water quality and quantity testing should be completed for each new lot in accordance with MECP's "*Technical Guideline for Private Wells*" (1996) and conducted by a qualified professional. If water from test wells exhibit values for health and aesthetic parameters that are above the Ontario Drinking Water Standards, the water must be treated prior to consumption. Upon well installation, a qualified professional should also demonstrate that there is an adequate quantity of groundwater available to meet the requirements of the residence without interference to adjacent properties.
7. If any archaeological resources (artifacts or any other physical evidence of past human use or activity) are found, all alteration must immediately cease on the site and a licensed consultant archaeologist must be engaged to carry out an archaeological assessment in compliance with Section 48(1) of the Ontario Heritage Act prior to any further alteration. Any alterations or soil disturbance to an archaeological site prior to having met the requirements of Section 48(3) of the Ontario Heritage Act is an offence. The Ministry of Citizenship and Multiculturalism may be contacted for guidance (archaeology@ontario.ca).

The Funeral, Burial and Cremation Services Act, 2002, S.O. 2002, c.33 requires that any person discovering human remains must cease all activities immediately and notify the police or coroner. If the coroner does not suspect foul play in the disposition of the remains, in accordance with Ontario Regulation 30/11 the coroner shall notify the Registrar, Ontario Ministry of Public and Business Service Delivery, which administers provisions of that Act related to burial sites. In situations where human remains are associated with archaeological resources, MCM should also be notified

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(archaeology@ontario.ca).

8. Owners and prospective buyers should look to minimize the risk of Wildland Fire to a low to moderate rating by referring to MNRF's Wildland Fire Risk Assessment and Mitigation reference manual, found at <https://www.ontario.ca/page/wildland-fire-risk-assessment-and-mitigation-reference-manual>.
9. 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 pursuant to Section 53 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.**

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Appendix A

