

**Ministry of Municipal
Affairs and Housing**

Municipal Services Office
North (Sudbury)
159 Cedar Street, Suite 401
Sudbury ON P3E 6A5
Tel: 705-564-0120
Toll-free: 1-800-461-1193

**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
Sans frais: 1-800-461-1193



January 14, 2025

Bryan Dorland, D.S. Dorland Ltd.
298 Larch Street
Sudbury, Ontario P3B 1M1
Email: bcarrier-dorland@dsdorlandlimited.ca

via email only

Subject: GRANTING OF PROVISIONAL CONSENT
Location: PIN 73097-0043; Summer Resort Location CL277 (retained) & PIN 73097-0004; Summer Resort Location CL278 (benefitting); Gallagher unincorporated township, District of Sudbury
Owners: Michael Pellow
Agent: Bryan Dorland, DS Dorland Ltd.
MMAH File: 52-C-246297

Dear Bryan Dorland,

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 "M Grant".

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

C: Michael Pellow – mg.pellow@sympatico.ca

Applicants:	Michael Pellow Agent: Bryan Dorland	Date of Decision:	January 14, 2025
File Number:	52-C-246297	Date of Notice:	January 14, 2025
Municipality / Township:	Gallagher unincorporated township, District of Sudbury	Last Date of Appeal:	February 3, 2025
Location:	PIN 73097-0043; Summer Resort Location CL277 (retained) & PIN 73097-0004; Summer Resort Location CL278 (benefitting)		

NOTICE OF DECISION

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

On January 14, 2025 the Minister of Municipal Affairs and Housing gave provisional consent to Application No. 52-C-246297 for a lot addition to correct an encroachment, and an easement to facilitate legal access in Gallagher unincorporated township, District of Sudbury. A copy of the decision is attached.

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.

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

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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 (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/notice/019-9211>.



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

Applicants: Michael Pellow
Agent: Bryan Dorland

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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:
 - a. A lot addition of approximately 0.01 hectares of land (described in Schedule A) from Summer Resort Location CL277 (PIN 73097-0043) to Summer Resort Location CL278 (PIN 73097-004) to correct an encroachment as applied for in the above noted application.
 - b. An easement where the retained lot at Summer Resort Location CL277 (PIN 73097-0043) is the servient tenement to the benefitting lot at Summer Resort Location CL278 (PIN 73097-004) to facilitate legal access as applied for in the above noted application.
 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 parcels and the easement in question. The Schedule will include the names of the parties indicated on application to transfer, and shall identify the dominant and servient tenements as well as the purpose of the easement; 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 parcels and easement to which this consent approval relates.
 3. That the application to transfer noted in Condition 2 shall identify the property and ownership that the easement favours and the purpose of the easement.
 4. That an application to consolidate the parcels is prepared and an undertaking from the person registering the documents shall be required, agreeing to register the consolidations once the land transfers have been registered.
 5. That prior to final approval, the Ministry must be advised in writing by Public Health Sudbury and Districts confirming that the existing septic systems were installed with valid permits and that they meet required clearance distances (as per Ontario regulations 358 and 903, and the Building Code) to the proposed lot lines. The Health Unit letter should also indicate the suitability of the retained and benefitting lots for new sewage and water systems, should they be required in future.
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6. That prior to final approval, the Ministry must be advised in a letter from a holder of an Environmental Compliance Approval (ECA) for an approved septage disposal facility, referencing the name and location of the facility and the ECA, and confirming that the facility has sufficient reserve capacity to accept hauled sewage from both the retained and benefitting lots. See Note 3 for more information on hauled sewage.

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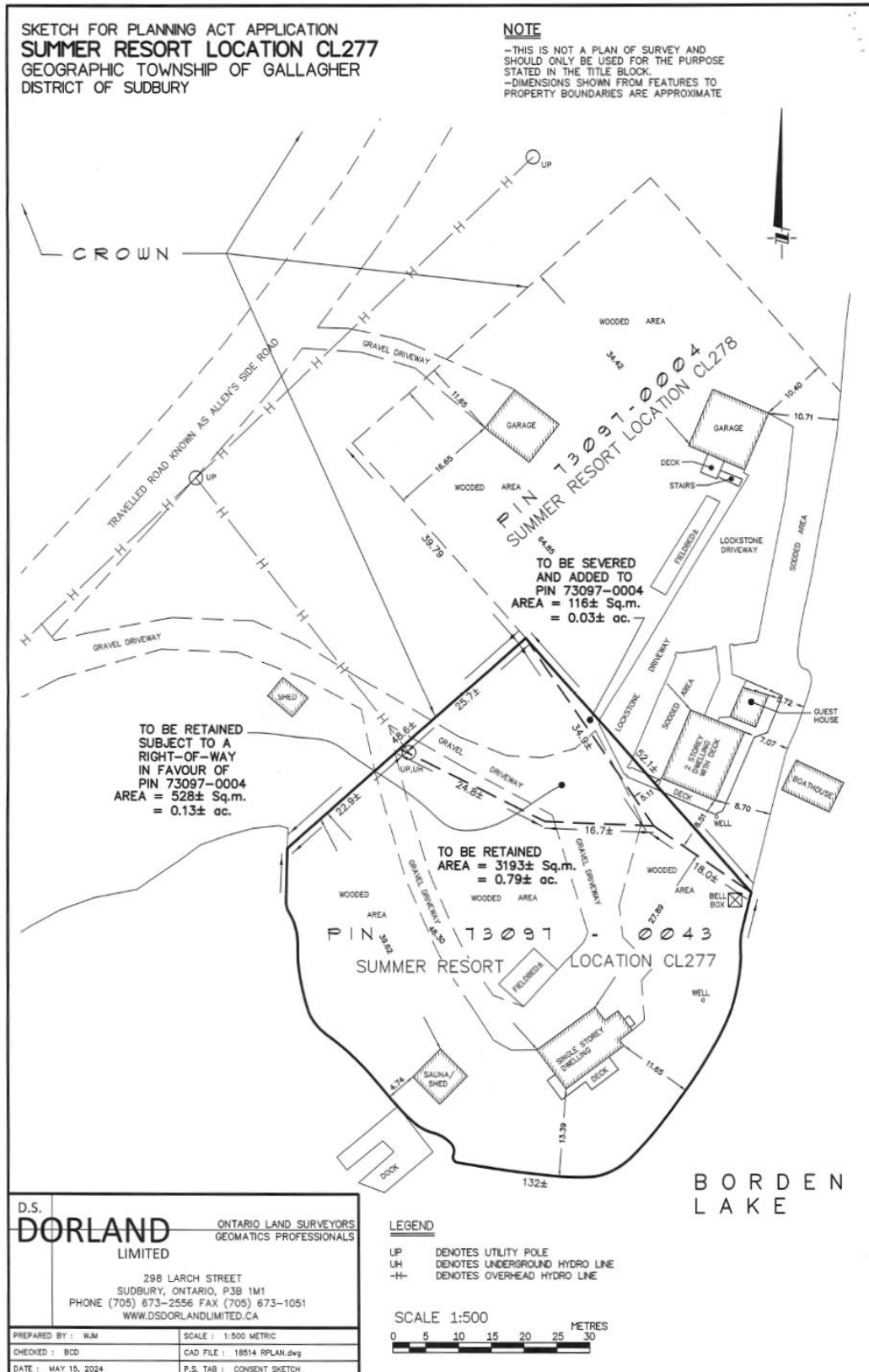
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Schedule A

Applicants:	Michael Pellow Agent: Bryan Dorland	Date of Decision:	January 14, 2025
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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 complete and accurate legal descriptions. 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. Please be advised of the following with respect to the retained and benefitting lots:
 - 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*.
 - To help maintain and improve lake water quality, please implement the 'Stormwater Best Management Practices for Camp Owners in Northeastern Ontario' (enclosed) and review the 'Blue-Green Algae Fact Sheet' (enclosed). The Ministry of the Environment, Conservation and Parks (MECP) encourages you to participate in the [Lake Partner Program](#): please contact lakepartner@ontario.ca for more information.
 - Additional lake water quality practices are listed in Appendix B of the Lakeshore Capacity Assessment Handbook (2010), which can be found at

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<https://www.ontario.ca/page/lakeshore-capacity-assessment-handbook-protecting-water-quality-inland-lakes-ontarios-precambrian-0>.

- Small private sewage disposal facilities that have a daily sewage flow of 10,000 Litres or less per day must be certified by the local public health unit. The 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. It is recommended that sewage systems be located where native soils are deepest and as far as possible from water (minimum of 30 metres).
 - Please refer to the 'Hauled Sewage Fact Sheet' (enclosed) for more information on sewage capacity for private individual sewage systems.
 - 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.
4. There are noted and potential unauthorized occupations of Crown land adjacent to the subject lands. Staff from the Ministry of Natural Resources (MNR) will be performing an inspection to verify the status of these structures. Please contact MNR's Chapleau-Wawa District at 705-864-1710 or mnrf.chapleau.wawa@ontario.ca if you wish to request authorization for the use of adjacent Crown lands (lands, shoreline, or lakebed).
 5. Shorelines pose potential flood hazards. Therefore, if development or site alteration is proposed along the shoreline or on Crown lakebed, please contact MNR's Chapleau-Wawa District at 705-864-1710 or mnrf.chapleau.wawa@ontario.ca.
 6. Part of Devon Landing Road is maintained by the local roads board, but another part travels over Crown Land before reaching the subject lands. If maintenance activities are proposed other than those listed exceptions in MNR Crown Land Management Policies 3.03.04, section 3.1.1.6, under the *Public Lands Act, 1990* a work permit from the MNR will be required. Please contact MNR's Chapleau-Wawa District at 705-864-1710 or mnrf.chapleau.wawa@ontario.ca to find out more, or to apply for a work permit, before any access road maintenance takes place.
 7. The subject lands are within 200 metres of aggregate pit #15923, permit to the Chapleau Lodge Resort. The location of the site is available on the Pits and Quarries online map via this link: <https://www.ontario.ca/page/find-pits-and-quarries>. If the aggregates permit holder proposes a significant site plan, consultation is required (as per the Section 37.2 *Aggregate Resources Act, 1990*). Likewise, if the landowners of the subject lands were to

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propose new dwelling(s) in the future, studies would be able to determine compatibility and determine appropriate setbacks, if any. For more information, please contact MNR's Chapleau-Wawa District at 705-864-1710 or mnrf.chapleau.wawa@ontario.ca.

8. Borden Lake contains Brook Trout, Lake Trout, Lake Whitefish, Northern Pike, Smallmouth Bass, Walleye, White Sucker, and Yellow Perch. Landowners are responsible for ensuring that all necessary measures are taken to protect fish habitat on their property. Approvals or permits from the Ministry of Natural Resources and Forestry (MNRF) and 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 Borden or Sootheran Lakes 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/fish/fisheries/fish_habitat/protect_fish_habitat.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/fish/fisheries/step_1/step_1.html).

9. The subject lands have archaeological potential based on provincial criteria in the Ministry of Citizenship and Multiculturalism's (MCM's) checklist, 'Criteria for Evaluating Archaeological Potential' (enclosed). Site alteration on lands in areas of archaeological potential can only occur once significant archaeological resources (if present) have been conserved.

Should site-alteration be proposed in the future on the subject lands, an archaeological assessment would be required to determine whether archaeological resources are present. 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 be advised that a marine archaeological assessment may 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).

Whether or not you are undertaking site alteration and/or an archaeological assessment has already been completed, you must notify the MCM at archaeology@ontario.ca if you discover that archaeological resources are impacted by any ground disturbing work on the property or adjacent lakebed. All activities impacting archaeological resources must cease immediately,

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

10. Activities (such as land clearance, construction, or demolition of existing buildings) on the lots could pose a risk to species at risk or their habitat, and owners would need to determine if an *Endangered Species Act* authorization is required before the activities are undertaken. Please complete the "Client's Guide to Preliminary Screening for Species at Risk" (enclosed) and submit it to SAROntario@ontario.ca to determine if the proposed activities would be in contravention of the *Endangered Species Act*. Please visit "How to avoid authorization" and "Permit types" at <https://www.ontario.ca/page/how-get-endangered-species-act-permit-or-authorization> for more information.