

Applicant: John Ross
File No.: 60-C-223420
Municipality/Twp: Unincorporated Territory, District of Kenora
Subject Lands: PIN 42150-2161; Plan KN95346; Wolf Island, Lake of the Woods, Unincorporated Territory, District of Kenora

Date of Decision: April 22, 2025
Date of Notice: April 22, 2025
Last Date of Appeal: May 12, 2025

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-223420** (proposed Lot 3) for the creation of one (1) of three (3) new resource-based recreational water access parcels in respect of land described as PIN 42150-2161, situated on Wolf Island, on Lake of the Woods, in unincorporated territory, in the District of Kenora. 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 Ropheka Adofo, A/Planner at the address shown below and it must,

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

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

60-C-219096, 60-C-223166

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
Thunder Bay, ON. P7E 6S7
Attention: Ropheka Adofo
Telephone: (807) 631-4954

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/019-4939>



Victoria Kosny, Manager
Community Planning and Development

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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.

Conditions

1. That this approval applies to permit the creation of one (1) of three (3) new resource-based, water access parcels of approximately 1.8 hectares in size, as applied for and identified in Appendix A attached hereto as Lot 3, in the above-noted location with frontage on Lake of the Woods, in Unincorporated Territory, in the 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;
 - 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
 - d. A reference plan of survey, identifying the registered archaeological site described as DjKp-21, including a 20-metre buffer around the site located on the retained lands.
3. That applications, 60-C-223166 and 60-C-219096 have been given provisional consent and have been submitted for finalization together with this application.
4. That prior to final approval by this Ministry, a flowage easement to elevation 324.6 metres CGVD 1928 (Canadian Geodetic Survey Datum of 1928), is required on the severed and retained lands provided a flowage easement or hazard land zone to the level does not already exist. See note #3 for additional information.
5. That prior to final approval by this Ministry, written confirmation is received which states that there is adequate capacity to dispose of hauled sewage generated by the severed and retained lands. This written confirmation should take the form of a letter from the holder of an Environmental Compliance Approval (ECA) for a septage disposal facility that has sufficient reserve capacity to accept hauled sewage from the proposed lots.
6. Prior to final approval, the applicant shall provide proof that each lot has passed a soil and percolation test to confirm the lots are suitable for the installation of septic systems.

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7. That prior to final approval, the applicant shall cause a restriction to be registered on Lots 1, 2 and 3, as well as the retained property, as shown on the attached sketch, identified hereto as Appendix A and forming part of this Decision, in wording acceptable to the Ministry of Municipal Affairs and Housing, having the effect that:
- a. To protect fish habitat, no development activities, shoreline development such as docks, or removal of shoreline vegetation in the riparian area 30 metres back from the high-water mark will be permitted along identified areas shown in green in Appendix A.
 - b. No septic systems or hardened surfaces (buildings, etc) shall be installed or constructed:
 - i. without a Certificate of Approval from the Northwestern Health Unit
 - ii. closer than 40 metre from the high-water mark, and
 - iii. without imported fill for proposed Lot 3.
 - c. The retained parcel contains an archaeological site: Borden number DjKp-21 (Wolf Beach site). Prior to site alteration, ground disturbances or the construction of any buildings or structures on the retained parcels, an archaeological assessment (and any further assessments, as recommended) must be prepared by an archaeologist licensed under the Ontario Heritage Act, and submitted to the Ministry of Citizenship and Multiculturalism (MCM) or ministry responsible for the Ontario Heritage Act. Any assessment(s) must conform to the Standards and Guidelines for Consultant Archaeologists (MCM 2011) and the terms and conditions of the license issued to the archaeologist under Part VI of the Ontario Heritage Act. The licensed archaeologist shall engage with Washagamis Bay First Nation, Wauzhushk Onigum Nation and Niisaachewan Anishinaabe Nation throughout the process, and once completed, forward a copy of the MCM review letter to MMAH. The review letter should indicate that the reports have been entered into the Ontario Public Register of Archaeological Reports where those reports recommend that:
 - i. all archaeological assessment of the subject lands is complete, or
 - ii. all archaeological sites identified by the assessment are either of no further cultural heritage value or interest (as per Section 48(3) of the *Ontario Heritage Act*) or that mitigation of impacts has been accomplished through excavation or an avoidance and protection strategy.
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 - ii. all archaeological sites identified by the assessment are either of no further cultural heritage value or interest (as per Section 48(3) of the *Ontario Heritage Act*) or that mitigation of impacts has been accomplished through excavation or an avoidance and protection strategy.

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- d. In the case of future alterations in the water such as shoreline alterations or the construction of docks, a marine archaeological assessment must be undertaken by an archaeologist licensed under the *Ontario Heritage Act*.
- e. No further severances shall be supported on any of the subject lands.
8. Prior to final approval, the applicant shall provide the Minister with written confirmation from the Northwestern Health Unit (NMHU) that the NWHU have read the conditions of this approval pertaining to the sewage servicing measures outline in Condition 7 and undertake to follow its requirements when issuing septic certificates to the greatest extent possible. This shall include and not be limited to the minimum 40 m setback from the high-water mark for all septic systems as identified in Condition 7.
9. The applicants or their solicitor shall give an undertaking that, upon any subsequent sale or transfer of Lot 1, 2, 3 and the retained as shown the attached sketch identified hereto as Appendix A, it shall be a requirement of the sale or transfer that each successor in title shall acknowledge and agree to be bound by the restriction registered in accordance with condition 7, for themselves and any future successor in title.
10. This Ministry 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 clauses to owners and prospective purchasers of the severed and retained lands:
- a. Cyanobacterial blooms can pose health risks to people swimming in and consuming water from the lake, therefore, water from Lake of the Woods should not be used for human consumption unless it is disinfected and/or treated to meet the Ontario Drinking Water Quality Standards;
 - b. No assessment has been undertaken for groundwater quality or quantity. Groundwater supplies may not be adequate to support the use of individual private wells;
 - c. Should wells be considered as drinking water sources on lots 1, 2 or 3, appropriate studies (such as a site-specific hydrogeological assessment) should be conducted to evaluate the potential for negative impacts in accordance with MECP Guideline D-5-4 "*Technical guideline for individual on-site sewage systems: Water Quality Impact Risk Assessment*".
 - d. Wells must be constructed in accordance with Ontario Regulation 903 – Wells, under the Ontario Water Resources Act;
 - e. Cottage owners are encouraged to participate in the Province's Lake Partner Program. Volunteers can help monitor the local water quality by collecting samples and making observations on their lakes. Additional information on the Lake Partner Program is available at: [Water sampling and testing \(inland lakes\) | ontario.ca](https://www.ontario.ca/water-sampling)
 - f. A copy of the "Best Management Practices for Waterfront Development", and the "Algae Fact Sheet" are provided as attachments to this Decision. Care

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should be given when using raw lake water for bathing, washing dishes, swimming, or other uses as this could provide another pathway for exposure to potential impurities. Review of the attached Blue Green Algae Fact Sheet is recommended to improve awareness of the potential risk of algae blooms to drinking water safety;

- g. The owners should follow the direction included in the attached guidance, Stormwater Best Management Practices for Camp Owners in Northwestern Ontario. Appropriate stormwater management practices should be employed at a lot level to minimize nutrient loadings from run off following storm events, including but not limited to the following:
 - o Natural shoreline vegetation should be maintained;
 - o Lot grading and clearing and the creation of impervious surfaces should be minimized; and
 - o The use of fertilizers should be avoided.
- h. Recommendations in the Fire Prevention Plan has been read, acknowledged and will be implemented. The FireSmart Landscaping Guide has been shared with each property owner.
- i. The Ministry of Natural Resources and Forestry (MNRF) advises that a permit approval under the *Public Lands Act* or the *Lakes and Rivers Improvements Act* may be required for any waterfront structures. For further information and applications, please contact the Ministry of Natural Resources Kenora District Office, P.O. Box 5080, 808 Robertson Street, Kenora, ON P9N 3X9, Tel (807) 468-2501.
- j. Approvals from Fisheries and Oceans Canada under Section 35 of the Federal *Fisheries Act* may be required for projects, in and around water involving fish habitat. For further information or to see if permits or approvals are required, visit the Fisheries and Oceans website at: <https://www.dfo-mpo.gc.ca/pnw-ppe/reviews-revues/request-review-demande-d-examen-001-eng.html>
- k. Property owners wishing to construct major work on the water including docks may be required to apply for approval under the Navigable Waters Protection Program. All in water construction must be a minimum of 5 metres from the property line. To determine if the waterway is minor, you should refer to the Minor Works and Waters (*Navigable Waters Protection Act*) Order at <https://tc.canada.ca/en/programs/navigation-protection-program/apply-npp>

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

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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. Inquiries about the Building Code should be made to:

Ontario Building Code
Ministry of Municipal Affairs and Housing
777 Bay Street
Toronto, ON M5G 2E5
Telephone: (416) 585-7041
<https://www.ontario.ca/page/ontarios-building-code>

3. Clearance of Condition No. 4 is required from the Lake of the Woods Control Board. Please contact the Board to discuss fulfilling this condition:

Executive Engineer
secretariat@lwcb.ca
Lake of the Woods Control Board
Ottawa, ON K1A 0H3
Toll free from 1(800) 661-5922
www.lwcb.ca/beforeyoubuild/

4. 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.
5. Should deeply buried cultural relics be found during construction activities, MCM would be informed directly. In the event that human remains are discovered, all work in the vicinity of the discovery must be suspended immediately. Notification will be made to the Ontario Provincial Police, or local police, who will conduct a site investigation and contact the District Coroner. Notification should also be made to MCM Archaeologist, c/o 435 South James Street, Suite 334, Thunder Bay, ON P7E 6S7, Telephone: (807) 475-1628, and the Registrar, Cemeteries Regulation Unit, 32 Floor, Eaton Tower, 250 Yonge Street, Toronto, ON M4G 2N5, Telephone: (416) 326-8404. Other government staff may be contacted as appropriate.
6. The following information on fire safety is attached:
 - An open letter from the MNR to owners of property within a forested area
 - FireSmart Landscaping

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○ FireSmart Manual

7. 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(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.

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APPENDIX A

