

Applicant:	Lucy Diana Sare	Date of Decision:	May 26 2025
File No.:	58-C-229456	Date of Notice:	May 26 2025
Municipality/Twp:	Township of Sibley, District of Thunder Bay	Last Date of Appeal:	June 15 2025
Subject Lands:	PIN 62492-0542, ML V13 & LOC CL8585, RP 55R9638 Part 1 to 5 & RP 55R9666 Part 1 PCL 25221, unorganized Township of Sibley, District of Thunder Bay		

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 (MMAH) gave a provisional consent to Application No. **58-C-229456** for the creation of a new parcel, for resource-based recreational use and for the creation of an easement in respect of the land described as PIN 62492-0542, in the unincorporated Township of Sibley, in the District of Thunder Bay. 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 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 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 required by the Tribunal, fee chart available at <https://olt.gov.on.ca/fee-chart/>.

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 (Thunder Bay)
435 James Street South, Suite 223
Thunder Bay, ON. P7E 6S7
Attention: Ropheka Adofo, A/Planner
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/025-0053>



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 the creation of one new lot approximately 35 hectares in size, for a resource-based recreational use, while a 50.02 hectare parcel would be retained in the above-noted location in the Geographic Township of Sibley, in the District of Thunder Bay. The applicants shall grant any easements as may be required for access purposes to individual landowners.
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/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, this Ministry shall receive an application for consent to create an easement in perpetuity over part of PIN 62492-0542 for access purposes to the severed lot and that this easement has been finalized, or alternatively, an undertaking with the property owner(s) to finalize this easement once draft approved, has been received by this Ministry.
4. 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:
 - a. 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;
 - b. Provisions to obtain undertakings from the applicant and/or the applicants' lawyer

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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.
5. That prior to final approval, the Ministry is to be provided a letter from the Thunder Bay District Health Unit which states that each lot can accommodate a sewage system or that existing systems meets their requirements.
 6. That prior to final approval, the Ministry is to be provided a written confirmation of adequate capacity to dispose of hauled sewage generated by the lots. This written confirmation should take the form of a letter from the holder of an Environmental Compliance Approval (ECA) 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, an archaeological assessment (and any further assessments, as recommended) must be prepared by a licensed archaeologist under the Ontario Heritage Act on the entire property and submitted to the Ministry of Citizenship and Multiculturalism (MCM). Existing structures 40 years or older should also be evaluated for cultural heritage value or interest. Any assessment(s) must conform to the standards and guidelines for Consultant Archaeologists and the terms and conditions of the license issued to the archaeologist under Part VI of the Ontario Heritage Act. The licensed archaeologist should 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:
 - a. all archaeological assessment of the subject lands is complete or
 - 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 Ontario Heritage Act) or that mitigation of impacts has been accomplished through excavation or an avoidance and protection strategy.
 8. That prior to final approval, the Ministry is to be provided a written confirmation from Ministry of Transportation (MTO) that continuous access of the Highway will be granted for the retained and severed lots.

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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

4. MTO permits are applied for through the Highway Corridor Management Online Services at www.hcms.mto.gov.on.ca. If help or additional information is needed with permit process or permit requirements, please contact Sarah Nicolas, Corridor Management Planner, at (807) 468-2761 or email sarah.nicolas@ontario.ca. Permit information relevant for property adjacent to or in the vicinity of a provincial highway can be found on the ministry web site www.mto.gov.on.ca/english/highway-bridges/highway-corridor-management/index.shtml
5. 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

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adequate quantity of groundwater available to meet the requirements of the residence without interference to adjacent properties.

6. 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 (archaeology@ontario.ca).

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 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.**