

Applicant:	Kevin & Brenda Veillieux	Date of Decision: May 6, 2025
File No.:	58-C-234133	Date of Notice: May 6, 2025
Municipality/Twp:	Unincorporated Township of Upsala	Last Date of Appeal: May 26, 2025
Subject Lands:	PIN 62345-0010; PCL 19977 SEC TBF; PT N BROKEN LT 1 CON 5 UPSULA PT 2 and 3, 55R4197; Unincorporated Township of Upsala; 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-234133** (Lot 1) for the creation of one new resource-based recreational lot, in respect of the land described as PIN 62345-0010; PCL 19977 SEC TBF; PT N BROKEN LT 1 CON 5 UPSULA PT 2 and 3, 55R4197; Unincorporated Township of Upsala; 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

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 Madisyn Owen, 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

58-C-241246, 58-C-241428

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: Madisyn Owen, Planner
Telephone: (807) 632-1633

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/019-8855>



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.

Conditions

1. That this approval applies to the creation of one new parcel of land, proposed Lot 1, Appendix A, 3.2 hectares in size, for resource-based recreational use, while a 3.5 hectares parcel would be retained.
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,
 - a. that a letter from the Upsala Local Roads Board is provided that indicates that the access road has been brought up to roads board standard and voted into the Upsala Local Roads Board system. See Note #3 for further information;

or

 - b. that an easement, as identified hereto as part 3 on Reference Plan 55R-4197, Appendix B, in favour of severed lot 2 as identified in application 58-C-241246, severed lot 3 as identified in application 58-C-241428, the retained lands and part 1 on Reference Plan 55R-4197, for the purposes of access to part 5 on Reference Plan 55R-4197, Appendix B, be registered on title and included in the Transfer document, the Schedule, and the Survey Plan submitted, or alternatively, an undertaking to finalize these easements has been received by this Ministry; and
 - c. Provide the legal opinion of a Lawyer licensed in Ontario that the proposed severed and retained lots will retain legal access over the easement as identified as part 5 on Reference Plan 55R-4197, Appendix B and that this

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existing easement, part 5, will not be overburdened by the additional lots proposed in this application, as well as 58-C-241246 and 58-241428; and

- d. That application 58-C-241246 and 58-241428 has been given provisional consent and has been submitted for finalization together with this application. Application 58-C-234133 should be registered first, application 58-C-241246 should be registered second.
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 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 by this Ministry, written confirmation is received that an archaeological assessment has been undertaken by an archaeologist licensed under the Ontario Heritage Act, for the entire property. The licensed archaeologist will forward a copy of the completed assessment report directly to Ministry of Citizenship & Multiculturalism (MCM) for review as per the terms and conditions of their license, and following the review, an acceptance letter should be submitted to MMAH confirming MCM is satisfied that no further assessment is required.
6. That prior to final approval, this Ministry is to be advised in writing, by the Ministry of Natural Resources (MNR) that:
 - a. A Significant Wildlife Assessment has been completed and reviewed (See Note #6 for further information);
 - b. A Wildland Fire Risk and Hazard Assessment has been completed and reviewed (See Note #7 for further information); and
 - c. If the assessments or MNR determine, recommended actions are implemented.
7. 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, and with a disposal facility that has sufficient reserve capacity to accept hauled sewage from the proposed lots. **(A letter was provided from the**

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septic hauler dated April 24, 2024, but ECA number not included).

8. That prior to final approval, the Ministry must be advised in writing by the Thunder Bay Health Unit that the retained lands and the severed lands have been inspected and are suitable for the installation of a subsurface sewage system.
9. That prior to final approval by this Ministry, written confirmation is received which states that a nearby area landfill has the adequate capacity to accept waste from additional lot.
10. 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 clause:
 - a. No assessment has been undertaken for groundwater quality or quantity. Groundwater supplies may not be adequate to support the continued use of individual private wells.
 - b. Should wells be used as drinking water sources must be constructed in accordance with Regulation 903-Wells, under the Ontario Water Resources Act.
 - c. Water from any water bodies on or near the lot(s) 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 district/township 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 district 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. Domestic waste must be appropriately handled and disposed of at an approved waste disposal facility.
 - f. Public participation in the Lake Partner Program to assist in understanding the health of Ontario's Lakes is encouraged. For more information on the Lake Partner Program please see the following website: [Water sampling and testing \(inland lakes\) | ontario.ca](https://www.ontario.ca/water-sampling-testing).
 - g. If wildlife is encountered during construction, work should cease immediately and allow the animal to naturally move out of the construction zone. If the animal does not leave the area for a prolonged period of time, a qualified biologist should be consulted for response or mitigation measures. If an animal is injured or deceased or if a Species

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at Risk is found on the site, Ministry of the Environment, Conservation and Parks (MECP) SAR Ontario Branch (SAROntario@ontario.ca) should be contacted for guidance and handling. 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.

- h. 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:
- Maintaining a minimum no-development setback distance from the lake of 30 m; increase setbacks where known natural heritage features exist (e.g. fish spawning areas);
 - Where natural vegetation exists at the shoreline, it should be maintained. Where it doesn't occur naturally or has been lost due to development, a vegetative buffer (riparian zone) of shrubs and ground cover can be planted along a shoreline bank. The natural shoreline buffer should extend at least 30m from the water's edge. This will provide site stability and valuable habitat for fish and other animals.
 - Reducing lot grading and limit the creation of impervious surfaces (i.e. roads, roofs, parking areas, patios, etc.) to reduce stormwater runoff and encourage natural infiltration.
 - Avoiding the use of fertilizers that can be easily transported into nearby water bodies through runoff and can lead to algae blooms.
 - Do not bring in sand to create a beach; this will cause an unstable shoreline prone to erosion and runoff issues.
 - Utilize docks and swim platforms for access to the lake instead of clearing aquatic and shoreline vegetation.
 - Locate sewage systems as far as possible from the shoreline where native soils are deepest, with any drinking water wells remaining upgradient;
 - Directing roof leaders to rear yard ponding areas, soakaway pits or rain barrels;
 - Directing sump pump foundation drains to rear ponding areas and infiltration trenches;
- i. Future shoreline development below the water mark may require review and approval from the Ministry of Natural Resources.

The following NOTES are for your information:

NOTES:

1. The required Transfer/Deed of Land form and Schedule page shall contain a

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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.

If the applicant(s), in making the application for consent,

- (a) requested that the certificate be given;
- (b) provided a registrable legal description of the retained land; and
- (c) provided a statement from an Ontario solicitor in good standing that there is no land abutting the subject land that is owned by the owner of the subject land other than land that could be conveyed without contravening section 50 of the Planning Act.

then the Minister will give the applicant a certificate for the retained land.

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. Inquiries about the Building Code should be made to:

Buildings and Development Branch
Ministry of Municipal Affairs and Housing
17th Floor, 777 Bay St.
Toronto, ON M5G 2E5
Telephone: (416) 585-7041
codeinfo@ontario.ca

3. Publicly accessible and maintained roads are preferred over access provided by private easement. For more information on adding an access road to the Local Roads Board system, contact John McClelland, MTO Regional Operations Officer at (807) 473-2137. The road must be voted into the Local Roads Area and be brought to roads board standards at the expense of the landowners. That vote is open to all landowners in the LRB area.
4. 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

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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).

5. A marine archaeological assessment will be required where in water impacts are anticipated as part of future alterations to the property (e.g., shoreline alterations or the construction of docks). For more information, please refer to MCM's screening checklist: [Criteria for Evaluating Marine Archaeological Potential - Forms - Central Forms Repository \(CFR\)](#).
6. MNR's 2010 Natural Heritage Reference Manual (NHRM), Section 9 provides further guidance that can be used to identify and confirm any Significant Wildlife Habitat that may exist.
7. MNR's guidebook: Wildland Fire Risk Assessment and Mitigation Reference Manual in support of the Provincial Policy States, 2014, dated April 2017, can be used to determine, and mitigate the potential risk of wildland fire.
8. Owners and prospective buyers should contact the Northwestern 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 Health Unit. The Health Unit can also provide information on construction requirements, including minimum distances required between sewage systems and sources of potable water.
9. 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 parcel 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.

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10. 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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