

**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



May 13, 2025

Barry Waitt, Ramsay Law Office  
18 Armstrong Street  
New Liskeard, Ontario P0J 1P0  
Email: [barry.ramsaylaw@gmail.com](mailto:barry.ramsaylaw@gmail.com)

**via email only**

**Subject:** GRANTING OF PROVISIONAL CONSENT  
**Location:** PIN 61242-0042; PCL 2720 Sec SST, PT broken Lot 5 Concession 5;  
Eby unincorporated township, District of Timiskaming  
**Owner:** Estate of Sandra Nelson  
**Agent:** Barry Waitt, Ramsay Law Office  
**MMAH File:** 54-C-196926

Dear Barry Waitt,

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", with a stylized flourish at the end.

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

**Applicants:** Estate of Sandra Nelson  
Agent: Barry Waitt, Ramsay Law

**Date of Decision:** May 13, 2025

**File Number:** 54-C-196926

**Date of Notice:** May 13, 2025

**Municipality / Township:** Eby unincorporated township,  
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**Last Date of Appeal:** June 2, 2025

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# NOTICE OF DECISION

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

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On May 13, 2025 the Minister of Municipal Affairs and Housing gave provisional consent to Application No. 54-C-196926 to create one new lot for resource-based recreational use, in Eby unincorporated township, District of Timiskaming. 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

### 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 (Sudbury),  
401-159 Cedar Street  
Sudbury, ON P3E 6A5  
Attention: Alissa Moenting Edwards, Planner  
Telephone: (705) 618-5059

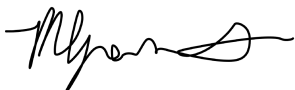
In addition, send a copy of your notice of appeal to the Minister of Environment, Conservation and Parks. You can provide notice by email at [minister.mecp@ontario.ca](mailto:minister.mecp@ontario.ca) or by mail at:

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/025-0079>.



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

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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.

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No. Conditions

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1. That this approval applies to permit a new lot of approximately 7.5 hectares of land from PCL 2720 Sec SST, PT broken Lot 5 Concession 5 (PIN 61242-0042) as applied for in the above noted location in Eby Township, District of Timiskaming and depicted in Schedule A, attached to and forming part of this decision.
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 in question. The Schedule will include 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 parcels and easement to which this consent approval relates.
3. That prior to final approval, the applicant provides either:
  - a. The written opinion of a solicitor that Boland Road does not result in a natural severance of the subject lands; or
  - b. Proof that the sections of each of the severed and retained parcels to the north of Boland Road will not be separately conveyed from their corresponding portions to the south of Boland Road in future through an executed undertaking to this ministry, to:
    - i. Apply to the Director of Titles for an entry to be made on the register that no transfer shall be made or charge created with respect to the lands unless the consent of the Manager, Community Planning and Development, Municipal Services Office North, Ministry of Municipal Affairs and Housing is given to the transfer or the creation of a charge.
    - ii. Provide to the Ministry proof that the entry mentioned above has been made.
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 applicant shall enter into a Consent Agreement with the Ministry of Municipal Affairs and Housing, to its satisfaction, addressing the use and potential development of the new lot, including:

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- a. the new lot can only be used for resource-based recreational uses and is not to be used for permanent residential or commercial use;
  - b. provisions to obtain undertakings from the applicant and/or the applicant's 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, the Ministry must be advised in writing by Timiskaming Public Health regarding the suitability of the severed and retained lots for new sewage systems, in the event that the existing systems require replacement. The health unit should confirm 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.
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 severed and retained lots. See Note 3 for more information on Hauled Sewage.

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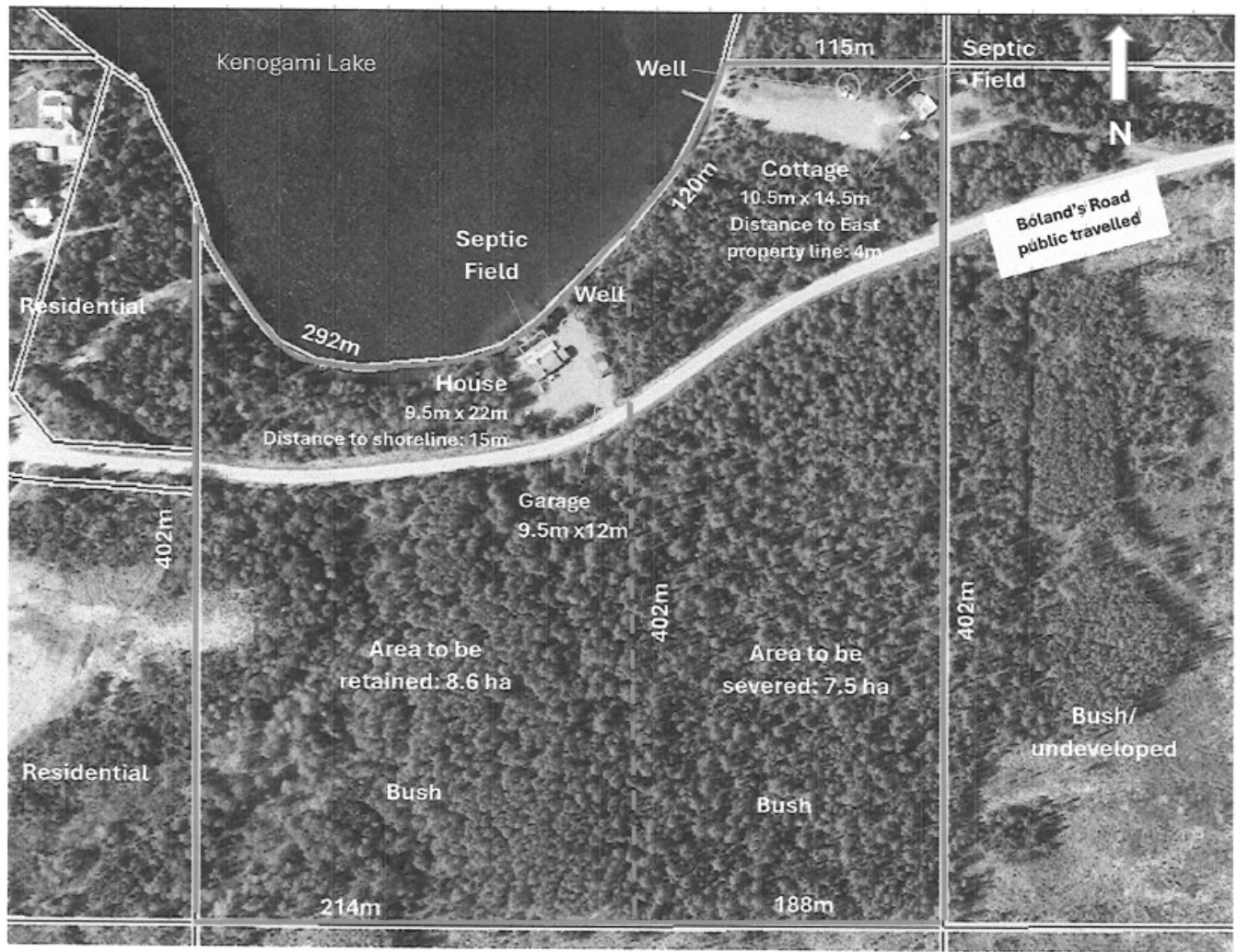
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## Schedule A



**Applicants:** Estate of Sandra Nelson  
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The following notes are for your information:

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**No. Notes**

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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 new lots:
  - The Timiskaming Health Unit has records of two blue-green algae blooms at Kenogami Lake in the last four years. Blue-green algae is an indicator of poor or declining water quality. A lakeshore capacity assessment for Kenogami lake would indicate whether the shoreline is at-capacity for further development.
  - To help maintain and improve lake water quality, MECP strongly recommends that owners of the subject lands 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 owners to participate in the [Lake Partner Program](#): please contact [lakepartner@ontario.ca](mailto: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 <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

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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 and other development 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.
  - 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 used as drinking water sources, they must be constructed in accordance with Regulation 903 – Wells, under the *Ontario Water Resources Act*.
  - 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*.
4. Kenogami Lake contains fish habitat. 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 (MNR) 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 site-alteration work being done in Kenogami Lake 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://dfo-mpo.gc.ca)
- 2) [Request a review of your project near water: Step 1. What this service offers \(dfo-mpo.gc.ca\)](https://dfo-mpo.gc.ca).

Please also contact the MNR's Kirkland Lake Office at 705-568-3263 or [mnrf.tim.kl@ontario.ca](mailto:mnrf.tim.kl@ontario.ca).

5. If site alteration is proposed in future, owners are responsible to contact the MNR's



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Kirkland Lake Office regarding:

- a. shoreline flood hazard setbacks; and
  - b. Protecting nearby significant wildlife habitat
6. The subject lands are within 400 metres of Highway 66. If new permanent or seasonal dwellings (as applicable to the lot) are proposed to be built in the future, a noise assessment is recommended. It would be completed by a qualified professional in accordance with MECP's NPC-300 Guideline, will determine if noise would restrict future use and improvements on the subject lands.
7. The subject lands have archaeological potential based on provincial criteria in the 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:

- 3) <https://www.ontario.ca/page/archaeological-assessments> , and
- 4) <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](mailto: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, 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

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

8. 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](mailto: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.
9. Please be aware that there is an abandoned mine site within 300 metres of the subject lands. The Ministry of Mines indicates that these sites will not impact proposed development. The mine site is not on-property, but on adjacent private land to the east. Caution is advised. For more information, contact the Mine Hazards Technical Specialist Emilie Trottier at [emilie.trottier@ontario.ca](mailto:emilie.trottier@ontario.ca).
10. With some areas of high potential for wildland fire on the subject lands, and to protect your existing structures and your property, MNR recommends a Fire Smart plan. You can find information on being FireSmart at <https://www.ontario.ca/page/firesmart>.