

Applicant: Winnetka Lake Resort Limited
File No.: 60-C-239851
Municipality/Twp: Unorganized Township of Forgie
Subject Lands: PIN 42142-0123; PT LOC EB827 23R4277
PTS 1, 2, 3, 4, 5 PCL 31358A, DISTRICT
OF KENORA

Date of Decision: September 5, 2025
Date of Notice: September 5, 2025
Last Date of Appeal: September 25, 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 (MMAH) gave a provisional consent to Application No. **60-C-239851** for a new lot, in respect of the land described as PIN 42142-0123; PT LOC EB827 23R4277 PTS 1, 2, 3, 4, 5 PCL 31358A, Unorganized Township of Forgie, 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 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 Chelsea Flegel, 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

60-C-233916 & 60-C-239886

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: Chelsea Flegel, Planner
Telephone: (807) 630-8442

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/025-0350>



Andrew Carr, A/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.

No.	Conditions
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1. That this approval applies to permit the creation of one new lot approximately 0.70 hectares in size (Part B on Appendix A), as applied for, in the above noted location in the unincorporated Township of Forgie, 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; 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 parcel(s) to which the consent approval relates; and/or a legal description of the lands to be severed which is acceptable to the land registrar.
3. 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 for each new lot with the Ministry of Municipal Affairs and Housing, 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 uses (including a recreational dwelling) and is not to be used for permanent residential use;
 - b. No future severances will be permitted for either the severed or retained lands.
 - c. Prior to any development, site alteration or ground disturbing activities, an archaeological assessment shall be completed by an archaeologist licensed under the Ontario Heritage Act, and related archaeological reporting shall be entered into the Ontario Public Register of Archaeological Reports. Recommendations from archaeological assessment(s) must be followed.

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- d. Certain standard and site-specific requirements and notification provisions be identified, including those in Schedule 1 attached hereto and forming part of this Notice of Decision;
 - e. 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
 - f. Provisions relating to the enforcement of the Consent Agreement.
 4. That applications 60-C-233916 and 60-C-239886 have been given provisional consent and have been submitted for finalization together with this application.
 5. That prior to final approval, this Ministry must receive written confirmation from the holder of an Environmental Compliance Approval (ECA) for an approved septage disposal facility, referencing the disposal facility and the related MECP approval confirming it has sufficient reserve capacity to accept any additional hauled sewage from the proposed severed and retained lots.
 6. That prior to final approval, the Ministry must be advised by the Northwestern Health Unit that the retained lands and the severed lands have been inspected and are suitable for the installation of a subsurface sewage system or that the existing systems meet their requirements.
 7. That prior to final approval, the Ministry must receive written confirmation from the Ministry of Transportation a new highway entrance permit has been granted or that the existing access from Highway 17 can safely accommodate the new and existing lots.
 8. That prior to final approval, an easement for access purposes over the portion of the servient lands identified as "20' travelled right-of-way" on Part A on Appendix A to this decision, in favour of the dominant lands, identified hereto as Parts B and D on Appendix A and for the retained lands, identified hereto as Part C on Appendix A, be registered on title and included in the Transfer document, the Schedule, and the Survey Plan submitted.
 9. That prior to final approval, the applicants and their solicitor shall 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 for the severed portion (Part B) and for the retained (Part C), as shown on Appendix A, unless the consent of the Manager, Community Planning and Development, Municipal Services Office North –

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Thunder Bay, Ministry of Municipal Affairs and Housing is given to the transfer or the creation of a charge.

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 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
2nd Floor, 777 Bay St.
Toronto, ON M5G 2E5
Telephone: (416) 585-6666
Fax: (416) 585-7531
codeinfo@ontario.ca

3. Approval must be obtained from the local 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 Northwestern Health Unit. The Health Unit can also provide information on construction requirements, including minimum distances required between sewage systems and sources of potable water.
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

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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. 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).

6. If activities on the lots could pose a risk to species at risk or their habitat, the Endangered Species Act may be triggered at that time. If a species at risk authorization is required in the future, it is recommended that owners or prospective purchasers contact SAR@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(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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Schedule 1

Preliminary list of standard and site-specific requirements and notification provisions:

- (a) 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 this source of water be used in future.
- (b) Should wells be considered as drinking water sources, they 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 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 Northwestern 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 Northwestern 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) The use of Best Management Practices for shoreline development is 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 sewage systems be located where native soils are deepest, and at the furthest distance possible from the shoreline.
Other Best Management Practices include maintaining vegetation along the shoreline and elsewhere on the site, appropriate site design (e.g. minimum 30 metre non-development zone adjacent to the shoreline), and construction mitigation. Measures such as avoiding septic starters, pumping out septic tanks every three to five years, and reducing water use also help protect water quality. Lot grading and clearing and the creation of impervious surfaces should be minimized. The use of fertilizers should be avoided. Additional resources regarding Best Management Practices are listed in Appendix B of the Lakeshore Capacity Assessment Handbook, 2010, available at: <http://www.ontario.ca/environment-and-energy/lakeshore-capacity-assessment-handbook-protecting-water-quality-inland-lakes>.
- (g) The applicant and any future property owners are encouraged to participate in the Lake Partner Program to help gather information about phosphorous concentrations in Engineer Lake. Information regarding the program can be found at [Lake Partner Program: Sampling Instructions | ontario.ca](#).

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Appendix A

