

Applicants: Shelley and James Van Dyken
Agent: Menic Planning Services Inc.
File Number: 58-C-257936
Municipality / Township: Jacques geographic township, District of Thunder Bay
Location: PIN 62327-0215 (LT), Part of Lot 4, Concession 1, locally known as 122B Warnica Lake Road West; Unincorporated Township of Jacques, District of Thunder Bay.

Date of Decision: March 6, 2026
Date of Notice: March 6, 2026
Last Date of Appeal: March 26, 2026

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. **58-C-257936** for the creation of a new lot from the property described as PIN 62327-0215 in the geographic township of Jacques, District of Thunder Bay. A copy of the decision is attached.

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 Andrew Carr, Senior 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/>.

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.

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

This application is related to applications 58-C-258049 and 58-C-258161. The effect of these applications is to create three (3) new lots from the property described as PIN 62327-0215.

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

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Attention: Andrew Carr, Senior Planner
Telephone: (807) 630-3486

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/index.php/notice/025-0860>.



Heather Boyer
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.

No. Conditions

1. This approval applies to permit the creation of a new lot of approximately 4.2 hectares in size from PIN 62327-0215, as identified as Lot 1, on Appendix A, attached hereto and forming part of this decision, in the above-noted location in Jacques geographic township, District of Thunder Bay.
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 (and retained if requested) which is acceptable to the land registrar.
3. That prior to final approval, the applicants shall cause a restriction to be registered on Lot 1, on Appendix A in wording acceptable to the Ministry of Municipal Affairs and Housing, having the effect that:
 - a. No new buildings and septic fields will be installed within 30 metres of the highwater mark of Warnica Lake.
 - b. No vegetation will be removed within 30 metres of the highwater mark of Warnica Lake.
4. That prior to final approval:
 - a. the applicants shall cause a restriction to be registered on the retained lot, on Appendix A in wording acceptable to the Ministry of Municipal Affairs and Housing, having the effect that no development or site alteration will occur; **or**
 - b. the applicants shall cause a restriction to be registered on the retained lot, on Appendix A in wording acceptable to the Ministry of Municipal Affairs and Housing, having the effect that no development or site alteration will occur within 300 metres of Warnica Lake; **and**
 - c. a revised Environmental Impact Assessment (EIS) is provided which provides alternative forms of mitigation to deer wintering habitat that are appropriate, to the satisfaction of the ministry, and which may result in additional provisions being added to the agreement described in condition 5.
5. 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 severed and retained lot with the Ministry of Municipal Affairs and

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Housing (MMAH), to its satisfaction, addressing the use and potential development of the lots, including:

For Lot 1, on Appendix A:

- 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. Development and site alteration will be set back from the Warnica Lake West Rd. at sufficient distance to ensure it will not interfere with any maintenance or construction work within the road corridor or installation and maintenance of utility plants along the road corridor;
- c. Septic systems will be installed to meet the following design standards:
 - i. clean fill will be imported for the installation of subsurface sewage disposal systems, consistent with the soil types and quantities outlined in the handbook.
 - ii. Soil must be non-calcareous (<1% CaCO₃ equivalent by weight) with acid-extractable concentrations of iron and aluminum of >1% equivalent by weight.
 - iii. Soil must be a minimum of 3 metres of combined thickness with native soils and must result in an unsaturated zone of at least 1.5 metres between the tile bed and shallowest depth extent of the water table during a maximum period of soil saturation.
 - iv. Design of the septic system shall include pump-dosing or equivalent technology to uniformly distribute septic effluent over the tile bed;
 - v. No add-on system components such as water-softening apparatus will be added, to ensure the proper functioning of the septic tank-tile bed system over the long-term.
 - vi. Septic systems will be in the test pit area shown on Appendix B, or further from the shoreline of Warnica Lake as is feasible.
 - vii. Upon installation, written confirmation that the septic system has been installed to the specifications herein will be provided from the septic installer, to the Municipal Services Office – North in Thunder Bay.
- d. New buildings and septic fields will be installed a minimum of 30 metres from the Warnica Lakes highwater mark and farther if feasibly possible;
- e. A vegetative buffer of native vegetation will be maintained to a minimum of 30 metres along the shoreline of Warnica Lake;
- f. Development and site alteration will implement best practices including:
 - i. Utilize grassed swales or other forms of natural vegetation to control and direct water flow away from the subject property and recognize the potential impacts to neighbouring properties
 - ii. Recognize the importance of lot grading to ensure water is directed away from buildings
 - iii. Avoid and/or reduce any built impervious areas (hard surfaced areas such as patios) close to the water
 - iv. Where cleared areas exist around the building envelope, ensure any exposed soil is grassed to reduce/eliminate water washing with potential contaminant loads reaching the lake

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- v. Maintain natural vegetation and tree cover to the extent possible, recognizing the need to be aware of wildland fire practices to protect the site while fire proofing the property. This requires a coordinated approach to water management and vegetation management.
- g. Vegetation will not be removed from within the site outside of the associated breeding periods for bird and bat species, between April 1 and September 30 annually, or if trees need to be removed within this timing constraint window, a qualified Biologist will be deployed to conduct bird nest and bat roost surveys prior to any tree removal and to conduct ongoing monitoring.
- h. Upon development or site alteration, to avoid contravention of sections 9 or 10 of the Endangered Species Act (ESA), a preliminary screening for species at risk, along with a completed check-list, will be provided to SAR Ontario Branch (SAROntario@ontario.ca).
- i. 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
- j. Provisions relating to the enforcement of the Consent Agreement.

For the retained lot:

- a. Development and site alteration are prohibited on the retained lot.
- 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.

Alternatively, should a revised Environmental Impact Assessment (EIS) be provided and approved by the Ministry which provides alternative forms of mitigation to deer wintering habitat that are appropriate as determined by the Ministry, for the retained lot:

- 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. Development and site alteration will be set back from the Warnica Lake West Rd. and Rinne Lane at sufficient distance to ensure it will not interfere with any maintenance or construction work within the road corridor or installation and maintenance of utility plants along the road corridor;
- c. New buildings and septic fields will be installed a minimum of 300 metres from the Warnica Lakes highwater mark and farther if feasibly possible;
- d. A vegetative buffer of native vegetation will be maintained to a minimum of 300 metres along the shoreline of Warnica Lake;
- e. Development and site alteration will implement best practices including:
 - i. Utilize grassed swales or other forms of natural vegetation to control and direct water flow away from the subject property and recognize the potential impacts to neighbouring properties
 - ii. Recognize the importance of lot grading to ensure water is directed away from buildings

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- iii. Avoid and/or reduce any built impervious areas (hard surfaced areas such as patios) close to the water
 - iv. Where cleared areas exist around the building envelope, ensure any exposed soil is grassed to reduce/eliminate water washing with potential contaminant loads reaching the lake.
 - v. Maintain natural vegetation and tree cover to the extent possible, recognizing the need to be aware of wildland fire practices to protect the site while fire proofing the property. This requires a coordinated approach to water management and vegetation management.
 - f. Vegetation will not be removed from within the site outside of the associated breeding periods for bird and bat species, between April 1 and September 30 annually, or if trees need to be removed within this timing constraint window, a qualified Biologist will be deployed to conduct bird nest and bat roost surveys prior to any tree removal and to conduct ongoing monitoring.
 - g. Upon development or site alteration, to avoid contravention of sections 9 or 10 of the Endangered Species Act (ESA), a preliminary screening for species at risk, along with a completed check-list, will be provided to SAR Ontario Branch (SAROntario@ontario.ca).
 - h. Additional provisions implementing a revised Environmental Impact Assessment if received, as determined by the Ministry.
 - i. 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
 - j. Provisions relating to the enforcement of the Consent Agreement.
6. That prior to final approval, the Ministry must be advised by the Thunder Bay District Health Unit that the severed lands (and retained lot if development and site alteration is permitted) have been inspected and are suitable for the installation of a subsurface sewage system or that the existing systems meet their requirements. Specifically this letter should specific that the identified locations have been inspected as below:
 - a. in the test pit area shown on Appendix B to this decision for severed lot 1, or further from the shoreline of Warnica Lake as is feasible; and
 - b. at least 300 metres from Warnica Lake on the retained, unless development is prohibited on the entire lot.
7. That prior to final approval, the Ministry must be provided written confirmation of adequate capacity to dispose of hauled sewage generated by the proposed new 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.
8. That prior to final approval, the applicant is to provide written confirmation from a qualified professional (e.g. a licensed well technician) that adequate potable water (including appropriate treatment option(s) to make the water aesthetically suitable for human consumption) and pumping capacity is available on the proposed severed lot and retained property (if development and site alteration is permitted) in accordance

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with [Regulation 903 – Wells, under the Ontario Water Resources Act](#) and the [D-5-5 Private Wells-Water Supply Assessment](#).

9. That prior to final approval, this Ministry is to be advised in writing, by the Ministry of Natural Resources (MNR) that a Wildland Fire Risk and Hazard Assessment has been completed for the proposed severed lot and retained property. The results of this assessment may result in additional provisions being added to the agreement described in condition 5.

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, 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

3. Property owner(s) must contact Ray Boudreau, Municipal Services Supervisor Northwest, Operational Services, MTO at (807) 624-6323 prior to installing/constructing, making modifications to, or relocating entrances onto roads.
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

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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. Owners and prospective buyers should look to minimize the risk of Wildland Fire to a low to moderate rating by referring to MNR's Wildland Fire Risk Assessment and Mitigation reference manual, found at <https://www.ontario.ca/page/wildland-fire-risk-assessment-and-mitigation-reference-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 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 B

