

**Applicant:** John Dove  
**File No.:** 60-C-258295  
**Municipality/Twp:** Township of Van Horne, District of Kenora  
**Subject Lands:** PIN 42080-0170 (LT), Con 4, Pt Lot 7, RP 23R-6625P

**Date of Decision:** April 7, 2026  
**Date of Notice:** April 7, 2026  
**Last Date of Appeal:** April 27, 2026

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## NOTICE OF DECISION

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

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On the **above noted date**, the Minister of Municipal Affairs and Housing (MMAH) gave a provisional consent to Application No. **60-C-258295** for the creation of a new resource-based recreational lot in the Geographic Township of Van Horne, in the 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**

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 Jamie Kirychuk, 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: Jamie Kirychuk, Planner  
Telephone: (807) 632-1272

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/025-1179>



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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.

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**Conditions**

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1. That this approval applies to permit the creation of a new resource-based recreational lot of approximately 3.57 hectares in size, as applied for in the above-noted location with frontage on Wabigoon Lake in the Unincorporated Township of Van Horne, in the 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;
  - 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, 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. That the proposed severed 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.
  - d. Should a septic system be installed on the proposed lot, confirmation shall be provided by a Qualified Professional (QP) in wastewater engineering confirming a septic system has been designed and installed on the proposed lot, which is compliant with the Ontario Building Code, and the additional specifications described in subsection I) or II):

**I. Lakeshore Capacity Assessment Handbook Specifications:**

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- i. the site where the septic tile-bed is to be located, and the region below and 15 metres down-gradient of this site, toward the lakeshore, across the full width of the tile bed, consist of deep (more than 3 metres), non-calcareous (1% equivalent by weight) soil, or soil meeting the same definition has been imported to reach three metres as described;
- ii. an unsaturated zone of at least 1.5 metres depth exists between the tile bed and the shallowest depth (maximum) extent of the water table; and
- iii. systems include pump-dosing or equivalent technology to uniformly distribute septic effluent over the tile bed.

**OR**

**II. Equivalent Effect Specifications:**

- i. A septic system which is compliant with the Ontario Building Code, which does not include tertiary treatment units or advanced septic systems, and which will have the equivalent effect of mitigating phosphorus migration to Wabigoon Lake, as would be achieved through the specifications in the criteria noted above (3.1)

4. 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 use of individual private wells, should this source of water be used in future on the severed lot.
  - b. *There is a well record in the appendices of this submission.* 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 local 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

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Ministry of the Environment, Conservation and Parks. The local 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. *Evaluation report from the Northwestern Health Unit regarding sewage system capability has been noted and is acceptable.*
- f. 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 sewage systems be located where native soils are deepest, and at the furthest distance possible from the shoreline.
- 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 at Risk is found on the site, Ministry of the Environment, Conservation and Parks (MECP) SAR Ontario Branch ([SAROntario@ontario.ca](mailto: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. Should additional buildings and/or servicing occur on the proposed lots, adequate setback distances to hardened surfaces and septic systems should be at least 30m for buildings such as cottages and garages/shed, and greater than 30m for sewage/septic systems;
- i. Maintain vegetation within the 30 m buffer zone;
- j. Ensuring water wells are up-gradient from all potentially contaminating sources including those on adjacent lots;
- k. Avoid septic starters, empty the septic tank every 3 to 5 years, reduce water use and consideration of peat-based systems;
- l. Use grassed swales and/or vegetated filter strips on lots that require ditching to control runoff;
- m. Direct roof leaders and/or sump pump foundation drains to rear yard ponding areas, soakaway pits, infiltration trenches or rain barrels as appropriate;
- n. Limit and avoid where possible the creation of impervious surfaces such as roofs, patios and paving stone walkways. The use of crushed rock is

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- encouraged to promote infiltration and minimize channelized flow and erosion;
- o. Design landscapes to slow stormwater and increase the time stormwater stays onsite;
  - p. The proponent is encouraged to implement the best management practices found in the Lakeshore Capacity Assessment Handbook, 2010 available on the MECP website  
<https://www.ontario.ca/document/lakeshore-capacity-assessment-handbook-protecting-water-quality-inland-lakes>.
  - q. Natural shoreline vegetation should be maintained and improved.
  - r. Lot grading and clearing and the creation of impervious surfaces should be minimized.
  - s. The use of fertilizers should be avoided.
  - t. The applicant and future property owners are also encouraged to participate in the Lake Partner Program to help gather further information about phosphorous concentrations on Wabigoon Lake. Information regarding the program can be found at:  
<http://desc.ca/programs/lpp>

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.

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.

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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  
17<sup>th</sup> Floor, 777 Bay St.  
Toronto, ON M5G 2E5  
Telephone: (416) 585-7041  
[codeinfo@ontario.ca](mailto:codeinfo@ontario.ca)
3. 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](mailto: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](mailto:archaeology@ontario.ca)).

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 \(CFR\)](#).

4. 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

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required between sewage systems and sources of potable water.

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 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.
6. 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.**
7. 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.