

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: May 13, 2026
Date of Notice: May 13, 2026
Last Date of Appeal: June 2, 2026

NOTICE OF CHANGES

On Application for Consent Subsection 53(24) of the Planning Act

This Application for Consent was given conditional approval on April 7, 2026, and was amended on May 13, 2026. Last date to appeal decision is June 2, 2026.

The following changes are now being made:

- Condition 1 is amended to approve the new lot as “solar resource-based commercial use” from “resource-based recreational” and reference Appendix A.
- New condition (now Condition 3) to allow for an access easement to be registered.
- Condition 4 (formerly Condition 3) is amended to amend permitted uses and include annual noise restrictions to protect a listed species of concern.
- Condition 5 (formerly Condition 4) is amended to be renumbered accordingly
- The Site Sketch is added as Appendix A.

A copy of the changes is attached. All other conditions remain unchanged. The provisional Consent will now lapse two years from the date of this Notice.

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

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None

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
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 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>



Heather Boyer
Manager, Community Planning & Development
Municipal Services Office – North (Thunder Bay)

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Condition 1 is amended as follows:

1. That this approval applies to permit the creation of a new ~~resource-based recreational lot-solar resource-based commercial~~ lot of approximately 3.57 hectares in size, ~~as applied for~~ in the above noted location ~~as identified on Appendix A attached hereto and forming part of this decision~~, with frontage on Wabigoon Lake in the Unincorporated Township of Van Horne, in the District of Kenora.

Condition 3 is added as follows:

3. That all necessary easements are registered on the subject lands to the satisfaction of the appropriate approval authority.

Condition 4 (formerly Condition 3) is amended as follows:

~~3~~ 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. That the proposed severed lot, can only be used for ~~resource-based recreational commercial~~ 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; ~~and~~
- d. ~~That 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, the system installed will be designed by a Professional Engineer with experience in wastewater engineering, which is compliant with the Ontario Building Code, and the additional specifications described in subsection I) or II):~~

I. Lakeshore Capacity Assessment Handbook Specifications:

- 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)

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- 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 4.I)
- e. That no outdoor noise-generating activities shall be permitted on the subject lands during the period from May 15 to July 15 each year, in order to protect and conserve the breeding period of the Canada Warbler, a listed species of concern.

Condition 5 (formerly Condition 4) is amended as follows:

4 5. 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

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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 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) 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;

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- 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 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>

Appendix A is added as follows:

