

**Applicants:** Gary Wiwcharyk

**Date of Decision:** July 31, 2026

**File Number:** 58-C-259307

**Date of Notice:** July 31, 2026

**Municipality /  
Township:** Haines geographic township, District of  
Thunder Bay

**Last Date of  
Appeal:** August 20, 2026

**Location:** PIN 623130581, 623130748, 623130749, 623130751

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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 gave a provisional consent to Application No. **58-C-259307** for the creation of a new lot from the property described as PIN 623130581, PIN, 623130748, PIN, 623130749, and PIN 623130751 in the geographic township of Haines, 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 Heather Boyer, Manager, 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-259080 and 58-C-259195. The effect of these applications is to create three (3) new lots from the property described as PIN 623130581, PIN 623130748, PIN 623130749, PIN 623130751.

### 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

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Thunder Bay, ON. P7E 6S7  
Attention: Heather Boyer, Manager  
Telephone: (807) 620-4629

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/index.php/notice/025-0938>.



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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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No. Conditions

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1. This approval applies to permit the creation of a new lot of approximately 10.22 hectares in size from PIN 623130581, PIN, 623130748, PIN, 623130749, and PIN 623130751 as identified as Lot 3, on Appendix A, attached hereto and forming part of this decision, in the above-noted location in Haines 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, such easements as may be required for utility, drainage, or access purposes shall be granted to the appropriate authority.
4. That prior to final approval, the owner shall satisfy one of the following requirements:
  - a. demonstrate that the proposed tile field will be located at least 300 metres from the shoreline of any lake or permanently flowing tributary, or otherwise positioned such that drainage from the tile fields will travel at least 300 metres before reaching a lake or permanently flowing tributary; or
  - b. have a site-specific soils investigation be prepared by a qualified professional, in accordance with the applicable criteria of the Lakeshore Capacity Handbook.

Where option (b) is pursued, any future sewage system shall be designed, located and installed in accordance with the findings and recommendations of the site-specific soils investigation. All recommended mitigation measures, restrictions, setbacks, and other measures necessary to protect water quality shall be implemented as applicable.

This condition shall not be considered fulfilled until MMAH is satisfied that all applicable recommendations and requirements have been appropriately addressed and, where necessary, secured through an agreement registered on title, a restrictive covenant or another appropriate legal mechanism.

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

**For Lot 3, on Appendix A:**

- a. Development and site alteration will implement best practices including:
  - i. New buildings should maintain a minimum 30m setback distance from the shoreline;
  - ii. Maintain vegetation within the 30 m buffer zone;
  - iii. Ensuring water wells are up-gradient from all potentially contaminating sources including those on adjacent lots;
  - iv. Avoid septic starters, empty the septic tank every 3 to 5 years, reduce water use and consideration of peat-based systems;
  - v. Use grassed swales and/or vegetated filter strips on lots that require ditching to control runoff;
  - vi. Direct roof leaders and/or sump pump foundation drains to rear yard ponding areas, soakaway pits, infiltration trenches or rain barrels as appropriate;
  - vii. 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;
  - viii. Design landscapes to slow stormwater and increase the time stormwater stays onsite;
  - ix. Natural shoreline vegetation should be maintained and improved.
  - x. Lot grading and clearing and the creation of impervious surfaces should be minimized.
  - xi. The use of fertilizers should be avoided.
  - xii. The applicant and future property owners are also encouraged to participate in the Lake Partner Program to help gather further information about phosphorous concentrations and dissolved oxygen levels on Upper Shebandowan Lake. Information regarding the program can be found at: [Ontario Lake Partner - Dataset - Ontario Data Catalogue](#)
- 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.

**For the retained lot, on Appendix B**

- a. Development and site alteration shall be prohibited within six (6) metres of AMIS Site (0849\_WHALEN) until such time as a geotechnical assessment is completed to the satisfaction of the Ministry of Energy and Mines.
- b. Provisions to obtain undertakings from the applicant and/or the applicants'

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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.

6. That prior to final approval, this Ministry is to be advised in writing, by the Ministry of Natural Resources (MNR) that:
  - a) A Significant Wildlife and Fish Assessment has been completed and reviewed (See Note #6 for further information);
  - b) If the assessments or MNR determine that recommended actions are necessary, such actions shall be implemented, and may require additional provisions to be included in the agreement
6. 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.

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](mailto:codeinfo@ontario.ca)

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3. Property owner(s) must contact Ray Boudreau, Head, Operational Services, NWR 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 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](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)).

6. MNR's 2010 Natural Heritage Reference Manual (NHRM), Section 9 provides further guidance that can be used to identify and confirm any Significant Wildlife Habitat that may exist.
7. Owners and prospective buyers should look to minimize the risk of Wildland Fire to a low to moderate rating by referring to MNRF's Wildland Fire Risk Assessment and Mitigation reference manual, found at <https://www.ontario.ca/page/wildland-fire-risk-assessment-and-mitigation-reference-manual>.
8. 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.**

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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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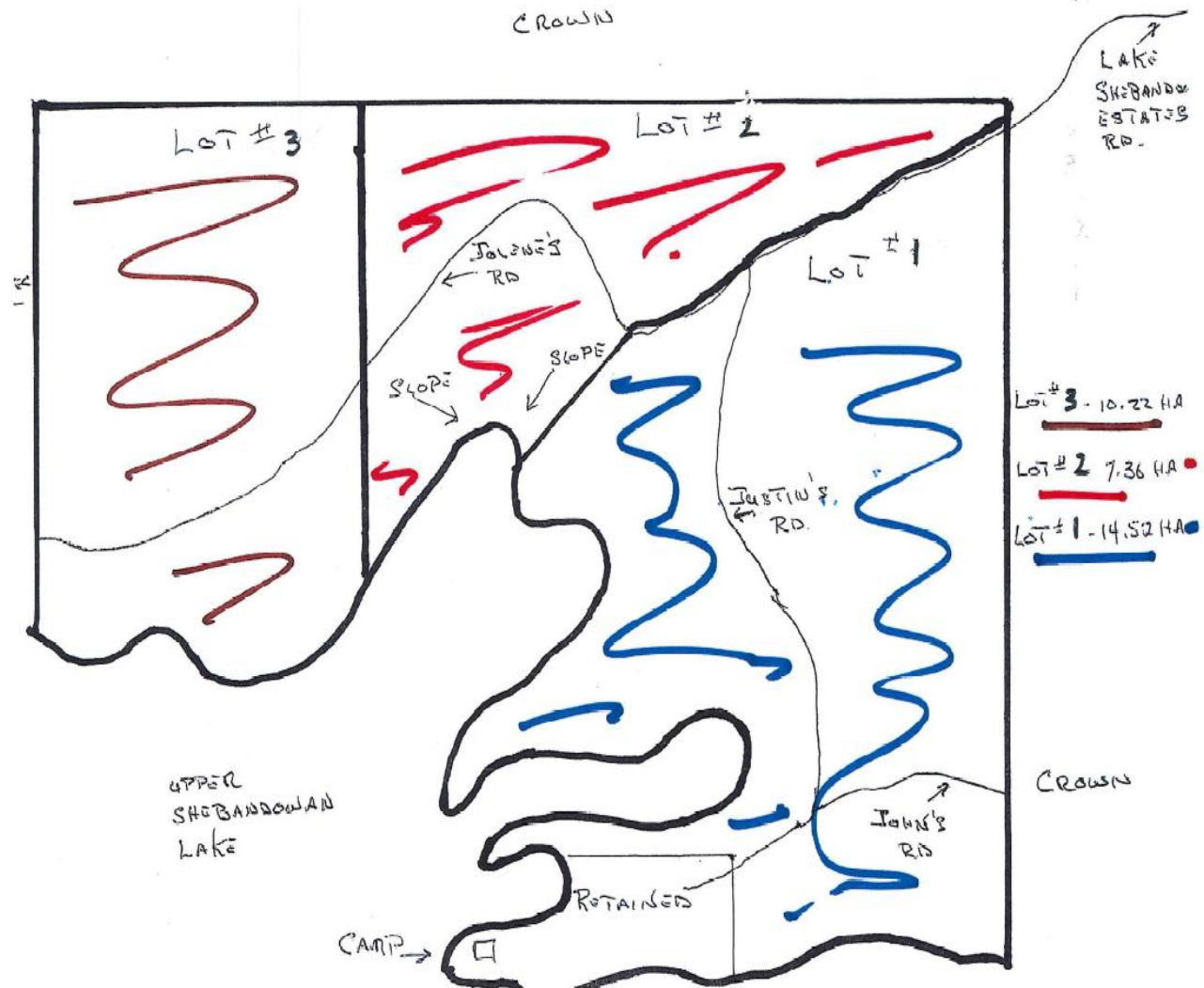
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## Appendix A



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## Appendix B

