Applicant:	**Gestny Ewart and Jonina Ewart**	**Date of Decision: October 29 2026**
File No.:	**60-C-259026**	**Date of Notice: October 29, 2026**
Municipality/Twp:	**Unorganized Territory**	**Last Date of Appeal: November 18, 2026**

Subject Lands: **PIN 42180-1562; PCL 5585 SEC DKF; LOCATION G1718 UNSURVEYED TERRITORY SITUATE ON THE E SHORE OF FOX LAKE N OF THE NATIONAL TRANSCONTINENTAL RAILWAY W OF SAND LAKE WINNIPEG RIVER, PT 1 & 2, 23R10414, RESERVING ALSO A RDAL ONE CHAIN IN PERPENDICULAR WIDTH SOUTH OF AND ADJACENT TO THE S LIMIT OF LOCATION G1720, RESERVING ALSO AN ALLOWANCE OF TEN FEET IN PERPENDICULAR WIDTH ALONG THE SHORE OF FOX LAKE; DISTRICT OF KENORA**

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-259026** for the creation of one new resource-based recreational lot, in respect of the land described as PIN 42180-1562; PCL 5585 SEC DKF; LOCATION G1718 UNSURVEYED TERRITORY SITUATE ON THE E SHORE OF FOX LAKE N OF THE NATIONAL TRANSCONTINENTAL RAILWAY W OF SAND LAKE WINNIPEG RIVER, PT 1 & 2, 23R10414, RESERVING ALSO A RDAL ONE CHAIN IN PERPENDICULAR WIDTH SOUTH OF AND ADJACENT TO THE S LIMIT OF LOCATION G1720, RESERVING ALSO AN ALLOWANCE OF TEN FEET IN PERPENDICULAR WIDTH ALONG THE SHORE OF FOX LAKE; 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 Ropheka Adofo, 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.

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: Ropheka Adofo, 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.

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The notice for this application is available to view on the ERO at https://ero.ontario.ca/notice/026-0590.

H. Boyer

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.

Conditions

1. That this approval applies to the creation of one new water access lot, 1.60 hectares in size, for resource-based recreational use as applied for, while a 3.00 hectares lot would be retained.

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 and retained lot with the Ministry of Municipal Affairs and Housing (MMAH), to its satisfaction, addressing the use and potential development of the new and retained lot, including:
    a. That no new buildings or structures will be constructed on the land except for the repair, renovation, maintenance, replacement, or reconstruction of buildings or structures lawfully existing on the date of this approval;
    b. That no additional applications for consent for the creation of new lots from the subject lands will be applied for, or considered;
    c. That 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;

d. 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
e. Provisions relating to the enforcement of the Consent Agreement

4. That prior to final approval by this Ministry, written confirmation is received which states that a nearby area landfill has the adequate capacity to accept waste from the additional lot.

5. This 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 continued use of individual private wells.
    b. Wells used as drinking water sources 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(s) 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 district/township 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 district 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. 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) (SAROntario@ontario.ca) should be contacted for guidance and handling. Please see note 6 for more information.

g. Wild rice (manoomin) habitat may be present along or abutting nearby shoreline. Consider retaining a qualified professional to determine the presence of wild rice habitat before the removal of any aquatic vegetation on or within 100m of the shoreline. If wild rice is present or suspected to be present, consider shoreline design to avoid the disturbance and fragmentation of the habitat. Boat and dock activity should be minimized. Wild rice habitat and harvesting is protected under Treaty 3 and the Wild Rice Harvesting Act. Lake users should recognize how their usage may affect the ecology along the lake edge which may harm aquatic vegetation habitat. For further information on removing aquatic plants, refer to this link: https://www.ontario.ca/page/remove-native-aquatic-plants.
h. Public participation in the Lake Partner Program to assist in understanding the health of Ontario's Lakes is encouraged. For more information on the Lake Partner Program please see the following website: Water sampling and testing (inland lakes) | ontario.ca.
i. 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:
    - Maintaining a minimum no-development setback distance from the lake of 30 m; increase setbacks where known natural heritage features exist (e.g. fish spawning areas);
    - Where natural vegetation exists at the shoreline, it should be maintained. Where it doesn't occur naturally or has been lost due to development, a vegetative buffer (riparian zone) of shrubs and ground cover can be planted along a shoreline bank. The natural shoreline buffer should extend at least 30m from the water's edge. This will provide site stability and valuable habitat for fish and other animals.
    - Reducing lot grading and limit the creation of impervious surfaces (i.e. roads, roofs, parking areas, patios, etc.) to reduce stormwater runoff and encourage natural infiltration.
    - Avoiding the use of fertilizers that can be easily transported into nearby water bodies through runoff and can lead to algae blooms.

- Do not bring in sand to create a beach; this will cause an unstable shoreline prone to erosion and runoff issues.
- Utilize docks and swim platforms for access to the lake instead of clearing aquatic and shoreline vegetation.
- Locate sewage systems as far as possible from the shoreline where native soils are deepest, with any drinking water wells remaining upgradient;
- Directing roof leaders to rear yard ponding areas, soakaway pits or rain barrels;
- Directing sump pump foundation drains to rear ponding areas and infiltration trenches;

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.

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
17th Floor, 777 Bay St.
Toronto, ON M5G 2E5
Telephone: (416) 585-7041
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).

   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).

   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 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. On March 30, 2026, the Species Conservation Act, 2025 (SCA) and several implementing regulations came into force and the Endangered Species Act, 2007 (ESA) was repealed.

   Under the SCA, "section 16 activities" (defined in section 2 of the SCA) that will, or are likely to, impact species listed on the Protected Species in Ontario List regulation (O. Reg. 60/26) or their habitat, must be registered, unless they fall under the Permit Activities regulation (O. Reg. 74/26) or are excepted under the Act or the Excepted Activities – No Permit or Registration regulation (O. Reg. 61/26). Activities that require registration must follow the rules in the Registrable Activities regulation (O. Reg.75/26) and must be registered through the Species Conservation Registry | ontario.ca prior to commencing. For general questions about the SCA and its regulations, please contact SCAReg@ontario.ca.

   To learn how businesses and individuals can use the online Species Conservation Registry to register activities or provide information for certain excepted activities, please visit Species Conservation Registry | ontario.ca. For technical assistance related to the online Species Conservation Registry please contact SCregistry@ontario.ca.

   If you hold an authorization issued or registration made under the ESA, please refer to Transitional Matters regulation (O. Reg. 62/26) for information on how these authorizations and registrations transition under the SCA. Registrations made under the ESA continue to use the Natural Resources Activity Registry. For technical assistance related to that registry, please contact speciesatriskregistry@ontario.ca.

If you have questions about specific authorizations or registrations or information on how to get a permit under the SCA, please contact SAROntario@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 of the *Planning Act*. **We will issue no further notice or warning of the expiration of the two-year period.**

8. 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**.