Applicant:	**Michael Hay & Chelsea Gauthier**	**Date of Decision: October 5, 2026**
File No.:	**60-C-239916**	**Date of Notice: October 5, 2026**
Municipality/Twp:	**Unincorporated Territory, District of Kenora**	**Last Date of Appeal: October 25, 2026**
Subject Lands:	**PIN 42150-0717 LT; PCL 14170 DKF; MINING LOCATION D17 UNSURVEYED TERRITORY (RECORDED AS K5572) AND PIN 42150-0748 LT; PCL 37806 SEC DKF; PT MINING LOCATION D12 UNSURVEYED TERRITORY (RECORDED K5571) SITUATE IN THE CLEARWATER BAY AREA, LAKE OF THE WOODS; 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-239916** for a new lot, in respect of the land described above and currently as PIN 42180-1267 and PIN 42180-0748, Unsurveyed Territory, 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 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 Nathan Li, 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: Nathan Li, A/Planner
Telephone: (807) 631-4954

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/026-0418



Andrew Carr, Team Lead
Community Planning and Development

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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. That this approval applies to create a new lot of approximately 25.67 hectares, as applied for, in the above noted location in Unincorporated Territory, 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; 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 which is acceptable to the land registrar.

3. That prior to final approval, this Ministry must receive a letter from the Northwestern Health Unit (NWHU) which states that both the severed and retained parcels have been inspected by the NWHU and are suitable for the installation of a subsurface sewage system or that the existing systems meet their requirements.

4. That prior to final approval, the Ministry must be provided with a letter from a waste disposal site confirming that it is operational and is willing to accept solid waste from both the proposed severed and retained lots.

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 parcels with the Ministry of Municipal Affairs

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

a. The parcels can only be used for resource-based recreational uses (including a recreational dwelling) and are not to be used for permanent residential;

b. That the recommendations of the Environmental Impact Statement be followed;

c. That no Black Ash trees be removed prior to fulfilling the requirements of the *Species Conservation Act;*

d. That the recommendations of the Stage 1 archeological assessment be followed;

e. That, prior to any future site alteration, ground disturbance, or the construction of buildings or structures within 50 meters of the permanent waterbody situated on the subject lands - a Stage 2 archaeological assessment (and any further assessments, as recommended) be prepared by an archaeologist licensed under the Ontario Heritage Act, and submitted to MCM, a be letter issued by MCM indicating that the report(s) has been entered into the Ontario Public Register of Archaeological Reports, and the recommendations be followed in any new development or site alteration;

f. That no new sensitive land uses or buildings to be used for sensitive land uses (including resource-based recreational dwellings) will be established on the Lands except for the repair, renovation, maintenance, replacement, or reconstruction of buildings or structures lawfully existing on the date of this approval, provided that such activities do not result in the establishment of a new sensitive land use where one did not previously exist, until:

    i. a Land Use Compatibility Study, prepared by a qualified professional and conducted in accordance with all applicable

Provincial guidelines and standards in effect at the time of completion, has been completed which demonstrates that the development will avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects from odor, noise and other contaminants, minimize risk to public health and safety, and ensure the long-term operational and economic viability of the gravel pit in accordance with provincial guidelines, standards and procedures; or

ii. confirmation is received that the pit is no longer operational.

g. That the Owner shall advise all prospective purchasers and transferees of the Lands, in writing, of the potential for adverse effects, including but not limited to noise, odour, dust, vibration, lighting, traffic, and other nuisance effects associated with existing and permitted surrounding uses; and

h. Provisions relating to the enforcement and compliance of the Consent Agreement.

i. That the Consent Agreement will be registered on title.

6. 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 use of individual private wells, should this source of water be used in future.

    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 the lake 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 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. 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. Additional resources regarding Best Management Practices are listed in Appendix B of the Lakeshore Capacity Assessment Handbook, 2010, available at: http://www.ontario.ca/environment-and-energy/lakeshore-capacity-assessmenthandbook-protecting-water-quality-inland-lakes.

f. Domestic waste must be appropriately handled and disposed of at an **approved** waste disposal facility.

g. There is an active gravel pit directly west of the property. As such, there is potential for adverse effects which could affect reasonable enjoyment of the property, including but not limited to noise, odour, dust, vibration, lighting, traffic, and other nuisance effects associated with the operation of the gravel pit.

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. Inquiries about the Building Code should be made to:

   Buildings and Development Branch
   Ministry of Municipal Affairs and Housing
   2nd Floor, 777 Bay St.
   Toronto, ON M5G 2E5
   Telephone: (416) 585-6666
   Fax: (416) 585-7531
   codeinfo@ontario.ca

3. Approval must be obtained from the local 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 Northwestern Health Unit. The Health Unit can also provide information on construction requirements, including minimum distances required between sewage systems and sources of potable water.

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).

   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. As of April 1, 2026, the *Endangered Species Act, 2007* has been repealed and replaced by the *Species Conservation Act, 2025*. It is the Applicant's responsibility to comply with all applicable requirements of the *Species Conservation Act, 2025*.

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(41) 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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