

Ministry of Municipal
Affairs and Housing

Municipal Services Office
North (Sudbury)

401-159 Cedar Street
Sudbury, ON P3E 6A5
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Ministère des Affaires
municipales et du Logement

Bureau des services aux
municipalités du Nord (Sudbury)

401-159, rue Cedar
Sudbury ON P3E 6A5
Téléphone : 705-564-0120
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October 10, 2019

Wayne Chorney
Chorney | Palombi Law Group
181 March Street
Sault Ste Marie, ON P6A 2A6
Email: w.chorneylaw@gmail.com

via email

Dear Wayne Chorney,

Subject: GRANTING OF PROVISIONAL CONSENT
Location: Whitman unincorporated township, District of Algoma, on lands described as Part 2, Lot 11 on Registered Plan Number M139, Reference Plan AR113 (PINs 31341-0052 and 31341-0055).
Owners: Peter Robert Schwarz
MMAH File: 57-C-197066

Pursuant to Section 53 of the *Planning Act*, a provisional consent is hereby granted in respect of the above-noted application. The proposal does not yet adequately address potential health, safety, and water quality concerns due to the small size of the proposed new lot. Accordingly, the list of the conditions that must be fulfilled before consent is given is attached. It is the applicant's and/or agent's responsibility to fulfill the conditions of consent approval within one year of the date of this letter.

Yours truly,

A handwritten signature in black ink, appearing to read "C. Brown".

Christopher Brown
A/Team Lead, Community Planning and Development
Municipal Services Office North

C: Peter Robert Schwarz, surfingpeter@hotmail.com

Applicant: Peter Robert Schwarz
File Number: 57-C-197066
Municipality/ Township: Whitman unincorporated township, District of Algoma
Location: PINs 31341-0052 and 31341-0055 (Part 2, Lot 11 on Registered Plan Number M139, Reference Plan AR113)

Date of Decision: October 10, 2019
Date of Notice: October 10, 2019
Last Date of Appeal: October 30, 2019

NOTICE OF DECISION

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

On October 10, 2019 the Minister of Municipal Affairs and Housing gave a provisional consent to Application No. 57-C-197066 in respect of land in the geographic township of Whitman, District of Algoma. A copy of the decision is attached.

When and How to File a Notice of Appeal

Notice to appeal the decision to the Local Planning Appeal 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 Caitlin Carmichael, Planner, at the address shown below and it must,

- 1) set out the reasons for the appeal, and
- 2) be accompanied by the fee prescribed under the *Local Planning Appeal Tribunal Act* in the amount of \$300.00, payable to the Minister of Finance.

Who Can File a Notice of Appeal

Only individuals, corporations or public bodies may appeal decisions in respect of applications for consent to the Local Planning Appeal Tribunal. A notice of appeal may not be filed by an unincorporated association or group. However, a notice of appeal may be filed in the name of an individual who is a member of the association or group.

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.

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 (Sudbury),
401-159 Cedar Street
Sudbury, ON P3E 6A5

Attention: Caitlin Carmichael, Planner
Telephone: (705) 564-6845 or 1-800-461-1193 extension 46845
Fax: (705) 564-6863



Christopher Brown
A/Team Lead - Planning
Community Planning and Development
Municipal Services Office North (Sudbury)

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The Minister's conditions to the granting of consent for this transaction, **which must be fulfilled within one year from the date of the Notice of Decision**, are set out below. These conditions must be fulfilled prior to the granting of consent.

No. Conditions

1. That this approval applies to the creation of a new lot of approximately 0.16 hectares to sever PIN 31341-0052, described as Part 2 of Lot 11 on Registered Plan Number M-139, from PIN 31341-0055, described as Lot 10 and Part 1 of Lot 11 on Registered Plan Number M-139, in Whitman unincorporated township, District of Algoma.
2. That prior to final approval, the Ministry must be advised by Algoma Public Health that the existing pit privies on the retained and the severed lands are appropriate for these lots and that formal inspections indicate that the pit privies meet their requirements for Class I septic systems.
3. That prior to final approval, the Ministry must be advised by Algoma Public Health that the retained and the severed lands have been inspected and are each suitable for the installation of a Class IV subsurface septic system. New development, including the creation of a lot, requires the option for new/future owners to install a Class IV septic system.
4. That prior to final approval:
 - a. The Ministry receive written confirmation from the Ministry of Environment, Conservation and Parks (MECP) that site conditions for the severed and retained lots are appropriate for the proposed lot sizes, upon review of a site-specific hydrogeological study and water quality impact assessment prepared and submitted by the proponent in accordance with MECP Guideline D-5-4 and D-5-5; and
 - b. The proponent undertakes to complete any recommendations of those assessments.
5. That prior to final approval the Ministry must be provided with confirmation that no habitat of endangered species or threatened species is present, based on submission of a completed screening and checklist from the Client's Guide to Preliminary Screening for Species at Risk. Please copy SAROntario@ontario.ca upon submission to MMAH.

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6. That prior to final approval, the Ministry must be provided written confirmation of adequate capacity to dispose of hauled sewage generated by the sewage systems. This written confirmation should take the form of letters from a licensed sewage hauler as well as a holder of an Environmental Compliance Approval (ECA) for an approved septage disposal facility to which the hauler delivers, confirming the facility has sufficient reserve capacity to accept any additional hauled sewage from the lots.
7. 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.

Or

A copy of the instrument for this transaction upon which an Order from the local Land Registrar appears, exempting this transaction from the requirement to provide a reference plan of survey under subsection 150 of the Land Titles Act or subsection 80 of the Registry Act, or a letter to that effect from the local Land Registrar, or confirmation from a legal professional that the severed and retained lands each have their own registerable legal description.

8. That the application to transfer noted in Condition 7 shall not identify the transferors and the transferees as the same person.
9. This Ministry is to be advised in writing by the transferor that the Offer of Purchase and Sale agreement, as a signed acknowledgement by both transferor and transferee, contains the following clauses:
 - a. With respect to sewer servicing, small private sewage disposal facilities which have a daily sewage flow of 10,000 litres or less per day must be certified by Algoma Public Health. Large private sewage disposal facilities which have a

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daily sewage flow of >10,000 litres, or communal systems, must be approved by the MECP. Algoma Public Health should be contacted for information on the proper installation and operation of Class IV septic systems.

- b. With respect to water servicing, the current owners or any prospective buyers should be advised that lake water should not be used as a source of potable water 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*. Should a well be used as the drinking water source in the future (e.g. by prospective buyers of either lot), it must be constructed in accordance with Ontario Regulation 903 – Wells under the *Water Resources Act* and in accordance with the Ontario Building Code with a setback of 30 metres from the shoreline.
- c. Sewage systems should be located as far as possible from the shoreline (at least 300 metres for lakes at capacity, 30 metres for lakes not at capacity) where native soils are deepest, with any drinking water wells remaining up gradient. The further a sewage tile field is placed from a water body, the more the soils help control phosphorous, reducing potential for algae and weeds along the shoreline. Moreover, phosphorus loadings from septic systems can be reduced by avoiding the use of septic starters, pumping the tank out every three to five years and reducing water use. Lake capacity information can be accessed by contacting local Ministry of Natural Resources and Forestry or Ministry of Environment Conservation and Parks District offices.
- d. All domestic waste produced on the retained and new lot must be appropriately handled and disposed of at an approved waste disposal facility.
- e. Residents can minimize soil erosion by retaining a 30-metre vigorously growing filter zone (or buffer) of native grasses, trees and shrubs beside the lake and along any streams that empty into the lake. Residents can also reduce erosion by maintaining native vegetation throughout their properties to minimize areas of exposed soil. The use of native vegetation as a ground cover instead of a lawn is especially beneficial as it does not require the application of pesticides and phosphorus-rich fertilizers that can add to water quality problems. Minimizing the amount of impermeable surface such as concrete or asphalt will reduce stormwater runoff and its erosive effects. Consider infiltration practices to reduce

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surface runoff such as rain gardens, infiltration trenches instead of rain gutters, grassed swales and vegetated filter strips.

- f. Protect local water quality by minimizing stormwater volumes and contaminant loads. Best management practices include avoiding buildings and structures next to the shoreline for a minimum of 30 metres, maintaining or adding vegetation along the shore and around the property, locating sewage systems as far as possible from the shoreline where native soils are deepest (any drinking water wells to be up gradient), avoiding septic starters, pumping the tank out every three to five years, reducing water use, and not using soap in the lake.
- g. Owners are encouraged to participate in the Ministry of Environment Conservation and Parks Lake Partner Program to help gather further information about phosphorus concentrations on Devil's Lake. Information regarding the program can be found at: <http://desc.ca/programs/lpp>.
- h. If site alteration is proposed in the future, please contact the Sault Ste. Marie District Office for the Ministry of Natural Resources and Forestry at 705-949-1231: adjacent lands for fish habitat include 120 metres back from the shoreline, so a permit may be required for the site alteration. If, during site alteration, any archaeological remains or other cultural heritage resources are discovered onsite at any time, work must be stopped, the site secured from further alteration / public access and the Ministry of Tourism Culture and Sport should be immediately contacted at 416-314-7620 to determine further actions.

The following notes are for your information:

No. Notes

1. It is the applicant's and/or agent's responsibility to fulfill the conditions of consent approval within one year 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 one-year period.**

If the conditions to consent approval are not fulfilled within one year 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

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Ministry of Municipal Affairs and Housing a minimum of one month prior to the lapsing date.

2. Please note that new development, including the creation of a lot, requires the option for new/future owners to install a well, which must follow the requirements of the Ontario Building Code. The Ontario Building Code (O. Reg. 332/12) requires that an earth pit privy be separated by no less than 15 metres from a well with watertight casing to a depth of at least 6 metres, or 30 metres from a well other than a well with a watertight casing to a depth of at least 6 metres. Contact the Ministry of Environment Conservation and Parks at 705-564-3257 for more information on regulations and requirements for private water and sewage services for new lots.
3. The following documents have been included with this notice:
 - Lakeshore Capacity Assessment Handbook
 - Blue-Green Algae Fact Sheet
 - Stormwater Best Management Practices for Camp Owners in Northeastern Ontario
 - Hauled Sewage Fact Sheet
 - Client's Guide to Preliminary Screening for Species at Risk.
4. For future reference, building permits are not required in areas without municipal organization, but all buildings are required to comply with the provisions of the Ontario Building Code. If you have any questions regarding the building code please direct your questions to the Building and Development Branch of the Ministry of Municipal Affairs and Housing, 16th Floor, 777 Bay Street, Toronto, Ontario M5G 2E5, at 416-585-6666, or at codeinfo@ontario.ca.
5. Should deeply buried cultural relics be found during construction activities, the Ministry of Tourism, Culture and Sport (MTCS) would be informed directly. In the event that human remains are discovered, all work in the vicinity of the discovery must be suspended immediately. Notification will be made to the Ontario Provincial Police, or local police, who will conduct a site investigation and contact the District Coroner. Notification should also be made to the MTCS Archaeologist, c/o 435 South James Street, Suite 334, Thunder Bay, ON P7E 6S7, Telephone: (807) 475-1628, and the Registrar, Cemeteries Regulation Unit, 32 Floor, Eaton Tower, 250 Yonge Street, Toronto, ON M4G 2N5, Telephone: (416) 326-8404. Other government staff may be contacted as appropriate.