

<b>Applicant/Owner:</b>	Ken Davies, Terry Davies, and Todd Davies	<b>Date of Decision:</b>	November 17, 2020
<b>File Number:</b>	48-C-180256	<b>Date of Notice:</b>	November 17, 2020
<b>Township:</b>	Olrig unincorporated township, Nipissing District	<b>Last Date of Appeal:</b>	December 7, 2020
<b>Location:</b>	Lot 14, Con B, PIN 49120-0063, Olrig unincorporated township, Nipissing District		

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## NOTICE OF DECISION

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

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On November 17, 2020 the Minister of Municipal Affairs and Housing gave a provisional consent to Application No. 48-C-180256 in respect of land in Olrig unincorporated township, District of Nipissing. 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 Michelle Lawrence, A/Assistant 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 \$400.00, 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

Due to the ongoing COVID-19 pandemic, viewing supporting materials in person is not available at this time. Please reach out to Michelle Lawrence, A/Assistant Planner at [michelle.lawrence@ontario.ca](mailto:michelle.lawrence@ontario.ca) or 705-561-9362 for additional information or to see if alternate arrangements can be made.

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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: Michelle Lawrence, A/Assistant Planner

Telephone: (705) 561-9362

Fax: (705) 564-6863

Email: [michelle.lawrence@ontario.ca](mailto:michelle.lawrence@ontario.ca)



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Megan Grant  
Team Lead - Planning  
Community Planning and Development  
Municipal Services Office North (Sudbury)

Attachment:

- Stormwater Best Management Practices for Camp Owners in Northeastern Ontario
- Blue-Green Algae Fact Sheet

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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.

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#### **No. Conditions**

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1. That this approval applies to permit the creation of one lot approximately 0.805 hectares in size from PIN 49120-0063, as applied for, in the above noted location on Lake Talon in Orlig unincorporated township, District of Nipissing. A lot approximately 0.805 hectares in size will 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; 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.
3. That the application to transfer noted in Condition 2 shall not identify the transferors and the transferees as the same person.
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 applicant shall enter into a Consent Agreement with the Ministry of Municipal Affairs and Housing, to its satisfaction, addressing the use and potential development of the new and retained lot, including:
  - a. The lot can only be used for resource-based recreational uses (including a recreational dwelling) and is not to be used for permanent residential or commercial uses;
  - b. provisions to obtain undertakings from the applicant and/or the applicant's 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.
5. That prior to final approval, the applicant demonstrates the availability of long-term access to the severed and retained lots by meeting one of the following conditions:

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- a. Obtain provisional consent for creation of an easement under section 53 of the *Planning Act* which would grant access to the severed and retained lands from the private parking location on Canoe Bay Road noted in this application. Should an application for the above-noted easement be granted provisional consent, the ministry must receive documentation to its satisfaction which would guarantee that the easement be registered at the time of final approval for this provisional consent.
- b. Submit written confirmation to the satisfaction of the ministry which demonstrates that long-term access (adequate parking, boat launch facilities) would be available to serve the lots. This confirmation may come in the form of a letter from the owner of a commercial establishment or public launch indicating that adequate parking and docking facilities would be available for the severed and retained lots.

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The following notes are for your information:

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**No. Notes**

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1. It is the applicant's and/or agent's responsibility to fulfil 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 Ministry of Municipal Affairs and Housing a minimum of one month prior to the lapsing date.

2. The required Transfer Application 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.
3. Inaccuracies or omissions with regard to the legal description in the Transfer Application form, the Schedule page or the survey plan will result in the documents being returned without consent.
4. Should deeply buried cultural relics be found during construction activities, the Ministry of Heritage, Sport, Tourism, and Culture Industries (MHSTCI) should 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 MHSTCI 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.
5. Approval must be obtained from the North Bay-Mattawa Conservation Authority for all sewage systems that require a permit, including greywater systems but excluding pit privies. They can also provide information on construction requirements, including minimum distances required between sewage systems and sources of potable water.
6. Please be advised that domestic waste must be appropriately handled and disposed of at an approved waste disposal facility.

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7. Section 2.2 of the PPS speaks to the protection, improvement, or restoration of water quality. We strongly encourage you to implement best management practices to help prevent localized increase in phosphorous and to reduce potential for algae and weeds along the shoreline. Several best management practices should be considered to protect local water quality including minimizing stormwater volumes and contaminant loads. Examples include:

- Avoid developing next to the shoreline for a minimum of 30 metres (note development has already occurred on both lots within the 30 m requirement).
- Maintain or add vegetation along the shore and around the property.
- Locate sewage systems as far as possible from the shoreline where native soils are deepest, with any drinking water wells remaining up gradient.
- Avoid septic starters, pump the tank out every three to five years and reduce water use.

The attached fact sheet provides additional information. Additional resources are also listed in Appendix B of the *Lakeshore Capacity Assessment Handbook, 2010*, available here: <http://www.ontario.ca/environment-and-energy/lakeshore-capacity-assessment-handbook-protecting-water-quality-inland-lakes>.

We also encourage you and future property owners participate in the Lake Partner Program to help gather information about phosphorus concentrations in Lake Talon. Information about the program can be found at: <http://www.ontario.ca/environment-and-energy/lake-partner-program>.

8. Should you wish to address Ontario Parks' concerns regarding the access road and parking location proposed during early consultation, please contact Ariel Zwicker, Protected Areas Lands Specialist. Ariel oversees authorizations and work permits in the Mattawa River Provincial Park and could discuss processes or requirements for remediation work. Ariel can be reached at [ariel.zwicker@ontario.ca](mailto:ariel.zwicker@ontario.ca) or (705) 571-0052.