

Applicants: Robert and Shawn Visch
File No.: 60-C-201857
Municipality/Twp.: Unincorporated Territory, south of Pellatt, District of Kenora
Subject Lands: PIN 42150-0818, Part 14 of KR-1015, on Lake of the Woods, Kendall Inlet Island, in unincorporated Territory South of Pellatt, in the District of Kenora

Date of Decision: January 20, 2021
Date of Notice: January 20, 2021
Last Date of Appeal: February 9, 2021

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-201857** for a lot addition in unincorporated Territory, in the District of Kenora. 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 Sylvie Oulton, Senior 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, Province of Ontario.

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.

Other Related Applications

60-C-208833

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

Submit notice of appeal to the attention of:
Sylvie Oulton, Senior Planner
Municipal Services Office North (Thunder Bay)
Telephone: (807) 630-3486

Victoria Kosny
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 one year 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 the transfer of 254 square metres from Part 14 of KR-1015 to Part 13 of KR-1015, in the above-noted location in unincorporated Territory, in the 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.
3.	That the application to transfer noted in Condition 2 shall not identify the transferors and the transferees as the same person.
4.	That the application to consolidate the parcels be prepared and an undertaking from the person registering the documents shall be required agreeing to register the consolidations once the land transfers have been registered.
5.	That prior to final approval by this ministry, a flowage easement to elevation 324.6 metres CGVD 1928 (Canadian Geodetic Survey Datum of 1928) is required to be registered on the retained lands provided a flowage easement or hazard land zone to the level does not already exist.

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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:

Ontario's Building Code
Ministry of Municipal Affairs and Housing
777 Bay St.
Toronto, ON M5G 2E5
Telephone: (416) 585-7041
<https://www.ontario.ca/page/ontarios-building-code>

3. Clearance of Condition No. 5 is required from the Lake of the Woods Control Board. Please contact the Board to discuss fulfilling this condition:

Executive Engineer
secretariat@lwcb.ca
Lake of the Woods Control Board
Ottawa, ON K1A 0H3
Toll free from 1(800) 661-5922
www.lwcb.ca/beforeyoubuild/

4. 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.

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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 lot in accordance with MOE'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. Small private sewage disposal facilities which have a daily sewage flow of 10,000 litres or less per day must be certified by the Northwestern 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 Northwestern 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.
7. Domestic waste must be appropriately handled and disposed of at an approved waste disposal facility.
8. Because this consent application is for a lot addition, subsection (3) or (5) of Section 50 of the Planning Act, R.S.O. 1990, shall apply, to any subsequent conveyance or transaction. This will be set out in the Certificate of the Transfer/Deed of Land form upon endorsement by the Minister.
9. 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 Ministry of Municipal Affairs & Housing a minimum of one month prior to the lapsing date.