

Applicants: Mary Kathleen Harvie, John MacDonald,
Lesley Pearce
File No.: 60-C-209236
Subject Lands: PIN 42180-1742, Parcel 4952, Location
S807, situated on the Winnipeg River, and
the shores of Adamson Lake,
Unincorporated Territory, 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 gave a provisional consent to Application No. **60-C-209236** for the creation of one (1) of three (3) new resource-based recreational water access lots in respect of land described as PIN 42180-1742, Parcel 4952, Location S807, situated on the Winnipeg River and the shores of Adamson Lake, 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 request 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 by certified cheque to the Minister of Finance, Province of Ontario.

Who Can File a Notice of Appeal

Only individuals, corporations or public bodies may appeal decisions of the Ministry of Municipal Affairs and Housing 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-200217, 60-C-200459

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 permit the creation of one (1) new resource-based, water access recreational lot of approximately 1.6 hectares in size, as applied for and identified as Part 1 in the application, in the above-noted location with frontage on the Winnipeg River, 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 prior to final approval by this Ministry, a flowage easement to elevation 318.7 metres CGVD 1928 (Canadian Geodetic Survey Datum of 1928), or to a level as directed by the Lake of the Woods Control Board is required on the severed and retained lands provided a flowage easement or hazard land zone to the level does not already exist. See note #3 for additional information.
5. That prior to final approval by this Ministry, written confirmation is received which states that there is adequate capacity to dispose of hauled sewage generated by the severed and retained lands. This written confirmation should take the form of a letter from the holder of an Environmental Compliance Approval (ECA) for a septage disposal facility with a barge for accessing water access lots, and with a disposal facility that has sufficient reserve capacity to accept hauled sewage from the proposed lots.
6. That prior to final approval, the proponent must undertake, through the preparation of a formal written undertaking, to carry out any works as a result of recommendations noted under Section 4.1 of the Wildland Fire Assessment and Mitigation report prepared by TBT Engineering Limited.

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7. That prior to final approval, confirmation is received by the Ministry of Natural Resources and Forestry (MNRF) that applications to purchase Crown shoreline road allowances have been submitted from owners of proposed new lots where the final survey shows existing buildings are entirely located on Crown land.
8. As the lands may contain archaeological resources, an archaeological assessment of the subject property is required prior to final approval being issued. Existing structures 40 years or older should also be evaluated for cultural heritage value or interest. The assessment shall be undertaken by an archaeologist licensed under the Ontario Heritage Act, who will submit the report directly to the Ministry of Heritage, Sport, Tourism, and Culture Industries (MHSTCI) for review as per the terms and condition of their license. See Note #6 for further information.
9. 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 clauses to owners and prospective purchasers of the severed and retained lands:
 - 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
 - Should wells be considered as drinking water sources, they must be constructed in accordance with Regulation 903 – Wells, under the Ontario Water Resources Act.
 - The water of Adamson Lake and/or the Winnipeg River 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
 - 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
 - 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 (30 m minimum)
 - vegetation be maintained along the shoreline and elsewhere on the site
 - maintain a minimum 30 metre non-development zone adjacent to the shoreline

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- avoid septic starters and pump out septic tanks every three to five years
- reduce water use when possible
- reduce the area of hardened surfaces
- reduce runoff and use infiltration of stormwater system
- avoid the use of fertilizers
- refer to the fact sheet provided and Best Management Practices in Appendix B of the [Lakeshore Capacity Assessment Handbook: Protecting Water Quality in Inland Lakes | Ontario.ca](#)

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 Building Code
Ministry of Municipal Affairs and Housing
17th Floor, 777 Bay Street
Toronto, ON M5G 2E5
Telephone: (416) 585-7041
<https://www.ontario.ca/page/ontarios-building-code>

3. Clearance of Condition No. 4 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/

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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. The Ministry of the Environment, Conservation and Parks encourages the applicants and future property owners to participate in the Lake Partner Program to help gather further information about phosphorus concentrations on Adamson Lake. Information regarding the program is found at <http://desc.ca/programs/lpp>. A minimum of two years data is required; however, three or more years is preferred in order to assess the potential impacts of development on the lake. The applicants can also refer to the Lakeshore Capacity Assessment Handbook, 2010, available at: <http://www.ontario.ca/environment-and-energy/lakeshore-capacity-assessment-handbook-protecting-water-quality-inland-lakes>
6. For further information on archaeological assessments, including a list of licensed archaeologists in Ontario, please visit MHSTCI's website:

http://www.mtc.gov.on.ca/en/archaeology/licensed_archaeologists.shtml
http://www.mtc.gov.on.ca/en/archaeology/archaeology_assessments.shtml
7. Should deeply buried cultural relics be found during construction activities, MHSTCI 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 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. Other government staff may be contacted as appropriate.
8. It is unlikely that additional severances from the severed or retained property will be supported by this Ministry.
9. The following information on fire safety is attached:
 - An open letter from the MNR to owners of property within a forested area
 - FireSmart Landscaping
 - FireSmart Manual

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10. 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 and Housing a minimum of one month prior to the lapsing date.