

**Applicant:** Peter Maki, John Maki, Lisa Longfoot & Kathryn Berry  
**File No.:** 58-C-189386  
**Subject Lands:** Unincorporated Township of Hardwick (PIN 62279-9513) & Unincorporated Township of Jean (PIN 62279-9515), District of Thunder Bay. PIN 62279-9513 and PIN 62279-9515 (formerly known as PIN 62279-0083 (LT)), PCL 2502; PT farm location W308, as in PFW741, except LEW13813, LEW33554 & PT 1, 3 of Plan 55R4909, District of Thunder Bay

**Date of Decision:** April 23, 2021  
**Date of Notice:** April 23, 2021  
**Last Date of Appeal:** May 13, 2021

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# NOTICE OF DECISION

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

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On the above noted date, the Minister of Municipal Affairs and Housing gave a provisional consent to Application No. **58-C-189386** (proposed Lot 2) for the creation of one of two new resource-based recreational lots in respect to PIN 62279-9513 and PIN 62279-9515 (formerly referred to as PIN 62279-0083 (LT)), PCL 2502; PT farm location W308, as in PFW741, except LEW13813, LEW33554 & PT 1, 3 of Plan 55R4909, Unincorporated Townships of Hardwick & Jean, District of Thunder Bay. 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 Neil MacKay, Assistant 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

58-C-168346

### 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 N (Thunder Bay)  
435 James Street South, Suite 223  
Thunder Bay ON P7E 6S7

Submit notice of appeal to the attention of:  
Neil MacKay, Assistant Planner  
Municipal Services Office North (Thunder Bay)  
Telephone: (807) 630-8442



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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.

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No.	Conditions
1.	That this approval applies to permit the creation of one (1) new resource-based recreational lot of approximately 15.4 hectares in size with 154 metres of frontage and a depth of 1000 metres, as applied for, in the above-noted location on Whitefish Lake in the Unincorporated Township of Hardwick & Unincorporated Township of Jean, District of Thunder Bay.
2.	That the following documents be provided for the transaction described in Condition 1: <ul style="list-style-type: none"><li>a. A copy of the application to transfer documents;</li><li>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</li><li>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.</li></ul>
3.	That the application to transfer noted in Condition 2 shall not identify the transferors and the transferees as the same person.
4.	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: <ul style="list-style-type: none"><li>i. that 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 wells be considered as drinking water sources, they must be constructed in accordance with Regulation 903 – Wells, under the Ontario Drinking Water Quality Standards.</li></ul>

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- ii. that the water of Whitefish Lake 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.
  - iii. that domestic waste must be appropriately handled and disposed of at an approved waste disposal facility.
  - iv. that small private sewage disposal facilities which have a daily sewage flow of 10,000 litres or less per day must be certified by the Thunder Bay 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. The Thunder Bay 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.
  - v. that approval may be required from the MNRF for any development of the 66-foot shoreline allowance that is currently owned by the Crown. Whitefish Lake is controlled by a dam on the outflow and regulated to 30.32m CVDG; however, on any shoreline or road allowance MNRF only disposes of property to contour elevation of 31.09m CVDG. If someone wishes to purchase this shoreline allowance, they should contact the District.
  - vi. that 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.
  - vii. that the subject property is bisected by Highway 588. The noise resulting from the traffic and use of Highway 588 may interfere with the lot owner's enjoyment of the property. Future building plans should include using noise barrier construction material.
  - viii. that Whitefish Lake is within a wild rice harvesting area traditionally utilized by Seine River First Nation. Under the Wild Rice Harvesting Act, only licenced individuals may harvest wild rice.
5. 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 for each new lot with the Ministry of Municipal Affairs and Housing, to its satisfaction, addressing the use and potential development of the new lot, including:
- a. The lots can only be used for resource-based recreational uses (including a recreational dwelling) and is not to be used for permanent residential use;

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- 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.
  6. That this Ministry will require written confirmation from the Ministry of Transportation (MTO) stating that an Entrance Permit will be made available for the severed lot.
  7. That verification of the registration of lands considered as Lot 1 in the application (Ministry File No. 58-C-168346) will be required prior to the final granting of consent for lands described as Lot 2 and the retained lot.
  8. Prior to final approval, the applicant and his solicitor shall:
    - i) Apply to the Director of Titles for an entry to be made on the register for the north portion of the severed land, Lot 2, (PIN 62279-9515) and the south portion of the severed land, Lot 2, (PIN 62279-9513) that no transfer shall be made or charge created with respect to the lands unless the consent of the Manager, Community Planning and Development, Municipal Services Office North (Thunder Bay), Ministry of Municipal Affairs and Housing is given to the transfer of the creation of a charge.
    - ii) Apply to the Director of Titles for an entry to be made on the register for the north portion of the retained land, (PIN 62279-9515) and the south portion of the retained land, (PIN 62279-9513) that no transfer shall be made or charge created with respect to the lands unless the consent of the Manager, Community Planning and Development, Municipal Services Office North (Thunder Bay), Ministry of Municipal Affairs and Housing is given to the transfer of the creation of a charge.
  9. That the Ministry requires an undertaking indicating that the entries by the Director of Titles as described in Conditions 10i) and 10ii) have been finalized prior to the creation of Lot 2 and the retained lot.

The following NOTES are for your information:

NOTES:

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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. Under the Public Transportation and Highway Improvement Act, Building and Land Use Permits are required for any development/construction occurring within 45 metres of the property limit of Highway 588 and within 180 metres of the centre point of the intersection of a sideroad with Highway 588.

All permits are required prior to any development/construction taking place. Permit information and applications can be obtained by contacting Rachel Hanson, Corridor Management Officer at (807) 473-2089 or email [rachel.hanson@ontario.ca](mailto:rachel.hanson@ontario.ca).

Additional information about MTO permit requirements for properties in the vicinity of provincial highways can be found on the ministry web site at

<http://www.mto.gov.on.ca/english/engineering/management/corridor/index.shtml>.

3. 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  
2<sup>nd</sup> Floor, 777 Bay St.  
Toronto, ON M5G 2E5  
Telephone: (416) 585-6666  
Fax: (416) 585-7531  
[codeinfo@ontario.ca](mailto:codeinfo@ontario.ca)

4. Owners and prospective buyers should contact the Thunder Bay District Health Unit at 999 Balmoral St, Thunder Bay, ON P7B 6E7 Tel: 1-807-625-7990 for all sewage systems that require a permit, including greywater systems but excluding pit privies.

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The importation of suitable fill may be required to construct sewage treatment systems to the satisfaction of the Thunder Bay District Health Unit. The Health Unit can also provide information on construction requirements, including minimum distances required between sewage systems and sources of potable water.

5. Please notify the Ministry of Heritage, Sport, Tourism, and Culture (MHSTCI) (at [archaeology@ontario.ca](mailto:archaeology@ontario.ca) or 416-314-7620) if archaeological resources are impacted by any ground disturbing work. All activities impacting archaeological resources must cease immediately, and a licensed archaeologist is required to carry out an archaeological assessment in accordance with the Ontario Heritage Act and the Standards and Guidelines for Consultant Archaeologists.

If human remains are encountered, all activities must cease immediately and the local police as well as the Registrar, Burials of the Ministry of Government and Consumer Services (416-326-8800) must be contacted. In situations where human remains are associated with archaeological resources, MHSTCI should also be notified to ensure that the site is not subject to unlicensed alterations which would be a contravention of the Ontario Heritage Act.

6. 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.
7. The forest types on parcels in this area are an extreme risk for wildland fire. As such, owners and prospective buyers should look to minimize the risk of Wildland Fire to a low to moderate rating. The MNR's guidebook *Wildland Fire Risk Assessment and Mitigation: a Guidebook in support of the Provincial Policy Statement, 2020*, presents the Ontario governments recommended approaches to wildland fire assessment and mitigation standards and tools. Owners and prospective buyers may find the information it contains helpful for meeting the requirements of Section 3.1.8 of the PPS.
7. It is the applicant's and/or agent's responsibility to fulfill the conditions of consent

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approval within **one year of the date** of this letter pursuant to Section 53 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.