

**Applicant:** Louis Nadin & Norman Nadin  
**File No.:** 58-C-200250  
**Municipality/Twp:** Geographic township of Hagey, District of Thunder Bay  
**Subject Lands:** PIN 62313-0299, Plan 55R-6354 parts 1-11 territory without municipal organization, geographic township of Hagey, District of Thunder Bay.

**Date of Decision:** April 27, 2021  
**Date of Notice:** April 27, 2021  
**Last Date of Appeal:** May 17, 2021

# 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 (MMAH) gave provisional consent for the creation of a new lot to **Application No. 58-C-200250** in respect of land in the geographic township of Hagey in the 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 Andrew Carr, 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 Act. 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.

## Effect of Written and Oral Submissions

Written and oral submissions in addition to comments provided by partner ministry's contributed to conditions: 3, 4, 5 & 6.

## 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

N/A

## 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  
Attention: Andrew Carr, Planner  
Telephone: (807) 621-8902



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Victoria Kosny, Manager  
Community Planning and Development

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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

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1. That this approval applies to permit the creation of one new recreational lot by severing PIN 62313-0299, and to create an easement over the proposed severed lands to access the proposed retained lands, as applied for, in the above noted location in the geographic township of Hagey in the District of Thunder Bay.
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 prior to final approval, this Ministry must receive written confirmation from the Munro Point Local Roads Board indicating that Munro Point Road is within the board's jurisdiction, is maintained by the board, and that the board has no concerns with proposed access.
4. Written confirmation is received from a title searcher or legal counsel that verifies there are no easements currently registered on the title of PIN 62313-0299.
5. That prior to final approval, this Ministry must receive written confirmation from the Ministry of the Environment, Conservation and Parks (MECP) confirming that site conditions for the severed and retained lot are appropriate for the proposed lot sizes upon preparation and review of a site-specific hydrogeological study or shall provide a Monitoring-based Assessment of existing development by a qualified individual, in accordance with Section 5.6.1a) of the MECP D-5-4 Guidelines to the satisfaction of MECP. The proponent undertakes to complete any recommendations of the site-specific monitoring-based assessment, including but not limited to, any further study required.
6. That prior to final approval, the Ministry must be advised in writing by the Thunder Bay District Health Unit that each the severed and retained lands have been inspected and are suitable for the installation of a subsurface sewage system, or that existing systems meet

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their requirements.

7. That prior to final approval, 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 an approved septage disposal facility, referencing the disposal facility and the related Ministry of Environment, Conservation and Parks (MECP) approval, and confirming that the disposal facility has sufficient reserve capacity to accept hauled sewage from the lots.
8. 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 clause:
  - a. 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.
  - b. Should wells be considered as drinking water sources, they must be constructed in accordance with Regulation 903 - Wells, under the Ontario Water Resources Act.
  - c. The water of Lower Shebandowan Lake 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.
  - d. 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 District 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 Thunder Bay District Health Unit should be contacted for information on the proper installation and operation of Class IV septic systems and Class I (pit privy) sewage systems.
  - e. Domestic waste must be appropriately handled and disposed of at an approved waste disposal facility.
  - f. 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.
  - g. Other Best Management Practices include maintaining vegetation along the shoreline and elsewhere on the site, appropriate site design (e.g. minimum 30 metre non-development zone adjacent to the shoreline), and construction mitigation. Measures such as avoiding septic starters, pumping out septic tanks every three to five years, and reducing water use also help protect water quality.

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The attached fact sheet provides further information. Additional resources regarding Best Management Practices are listed in Appendix B of the Lakeshore Capacity Assessment Handbook, 2010, available at:

<https://www.ontario.ca/document/lakeshore-capacity-assessment-handbook-protecting-water-quality-inland-lakes>

9. That prior to final approval, this Ministry must receive a wildland fire risk assessment, in accordance with the Ministry of Natural Resources and Forestry wildland fire mitigation standards, sufficient to allow MMAH to determine consistency with Section 3.1.8 of the Provincial Policy Statement (PPS).

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 Buildings Branch  
Ministry of Municipal Affairs and Housing  
2<sup>nd</sup> Floor, 777 Bay St.  
Toronto, ON M5G 2E5  
Telephone: (416) 585-6666

3. 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 Thunder Bay District Health Unit. The Health Unit can also provide information on construction requirements, including minimum distances required between sewage

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systems and sources of potable water.

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. Should deeply buried cultural relics be found during construction activities, the Ministry of Heritage, Sport, Tourism and Culture Industries (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 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. Other government staff may be contacted as appropriate.
6. 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.