

Applicant: Jessica Alves (Buset LLP) for Larry Stenlund
File No.: 58-C-206495
Subject Lands: (1) PIN 62484-0417; Lot 4, Con 10, Pcl 5658; and (2) PIN 62484-0416; PCL 9873 SEC TBF; Location AL 764 Lyon; s/t LT212121; subject to an easements in gross as in TY276587; subject to an easement in gross as in TY276588; in the Unincorporated Township of Lyon, District of Thunder Bay.

Date of Decision: April 22, 2021
Date of Notice: April 22, 2021
Last Date of Appeal: May 12, 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. **58-C-206495** for the creation of one new resource-based recreational lot in respect of land described as (1) PIN 62484-0417; Lot 4, Con 10, Plc. 5658; and (2) PIN 62484-0416; PCL 9873 SEC TBF; Location AL 764 Lyon; s/t LT212121; subject to an easements in gross as in TY276587; subject to an easement in gross as in TY276588; in the Unincorporated Township of Lyon, 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

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 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

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
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1. That this approval applies to permit the creation of one (1) new resource-based recreational lot of approximately 64.4 hectares in size with 812.2 metres of frontage and a depth of 862.8 metres, as applied for, in the above-noted location in the Unincorporated Township of Lyon, 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; and/or a legal description of the lands to be severed which is acceptable to the land registrar.
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, written confirmation is received by this ministry 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 MECP approval, and confirming that the disposal facility has sufficient reserve capacity to accept hauled sewage from the proposed lots.
5. That prior to final consent, this Ministry must receive written consent from the Local Roads Board that the granting of this consent would not have an adverse effect on LRB operations, and they have no objection to the creation of the new lot.
6. 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

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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;
 - 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.
7. That prior to final approval, 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
- a. With respect to water servicing, the current owners or any prospective buyers of these lots should be advised that water from open waterbodies 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, as stipulated in O. Reg. 169/03 of the Safe Drinking Water Act. No assessment has been undertaken for groundwater quality and quantity. Groundwater supplies may not be adequate to support the use of individual private wells. Should a private well be considered as the drinking water source in the future or by prospective buyers of the lot, it must be constructed in accordance with Regulation 903 – Wells, under the Ontario Water Resources Act.
 - b. 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.
 - c. Domestic waste must be appropriately handled and disposed of at an approved waste disposal facility.
8. That prior to final approval, the applicant is to provide written confirmation from a licensed well driller that adequate potable water (including appropriate treatment option(s) to make the water aesthetically suitable for human consumption) and

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pumping capacity is available on the proposed retained property in accordance with [Regulation 903 – Wells, under the Ontario Water Resources Act](#) and the [D-5-5 Private Wells-Water Supply Assessment](#).

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:

Buildings and Development Branch
Ministry of Municipal Affairs and Housing
12th Floor, 777 Bay St.
Toronto, ON M5G 2E5
Telephone: (416) 585-6666
Fax: (416) 585-7531
codeinfo@ontario.ca

3. 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. 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.
4. 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

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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.

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 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.
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 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.