

Owner/Agent: J.F.T. Developments Ltd. and
2716906 Ontario Inc. / Jack
Jamieson, J.F.T. Developments Ltd.

Date of Decision: July 23, 2021

File Number: 54-C-210389

Date of Notice: July 23, 2021

Municipality / Township: Tudhope unincorporated township,
Timiskaming District

Last Date of Appeal: August 12, 2021

Location: Part of Lot 10, Concession 1, part of PIN 61301-0035, Tudhope unincorporated township, District of Timiskaming

NOTICE OF DECISION

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

On July 23, 2021 the Minister of Municipal Affairs and Housing gave a provisional consent to Application No. 54-C-210389 in respect of land in Tudhope unincorporated township, District of Timiskaming. A copy of the decision is attached.

When and How to File a Notice of Appeal

Notice to appeal the decision to the Ontario Land 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 Michelle Lawrence, Assistant 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 *Ontario Land Tribunal Act* in the amount of \$400.00, payable to the Minister of Finance.

Who Can File a Notice of Appeal

Only individuals, corporations or public bodies may appeal decisions in respect of applications for consent to the Ontario Land 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.

Getting Additional Information

Due to the ongoing COVID-19 pandemic, viewing supporting materials in person is not available at this time. Please reach out to Michelle Lawrence, Assistant Planner at michelle.lawrence@ontario.ca or 705-561-9362 for additional information or to see if alternate arrangements can be made.

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Mail Address for Notice of Appeal

Ministry of Municipal Affairs and Housing
Municipal Services Office North (Sudbury),
401-159 Cedar Street
Sudbury, ON P3E 6A5

Attention: Michelle Lawrence, Assistant Planner
Telephone: (705) 561-9362 or 1-800-461-1193 extension 46855
Fax: (705) 564-6863



Megan Grant
Team Lead - Planning
Community Planning and Development
Municipal Services Office North (Sudbury)

Attached:

- Criteria for Evaluating Potential for Built Heritage Resources and Cultural Heritage Landscapes checklist
- Stormwater Best Management Practices for Camp Owners in Northeastern Ontario
- Blue Green Algae Fact Sheet

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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 the Notice of Decision**, 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 new lot approximately 1.26 hectares in size, as described in the above-noted application and identified as Part 1 on Schedule A attached hereto and forming part of the decision, for the purposes of seasonal residential use.
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 for the purposes of an easement, on which is set out the entire legal description of all 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 easement 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, 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 with the Ministry of Municipal Affairs and Housing, to its satisfaction, addressing the use and potential development of the new lot, including:
 - a. the new lot can only be used for resource-based recreational uses and is not to be used for permanent residential or commercial 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,

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c. provisions relating to the enforcement of the Consent Agreement.

5. That prior to final approval an archaeological assessment of the subject property 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 conditions of their license. The proponent shall undertake to complete any recommendations of the assessment, including but not limited to, any further study required. Prior to final approval, MMAH must be advised in writing by MHSTCI that the assessment was accepted and that MHSTCI is satisfied no further assessment is required. See Note #5 for more information.
6. That prior to final approval the Criteria for Evaluating Potential for Built Heritage Resources and Cultural Heritage Landscapes checklist shall be completed for the subject property and submitted to MHSTCI for review. The proponent shall undertake to complete any recommendations of the checklist and any further studies indicated, to the satisfaction of MHSTCI's Heritage Planning Unit. Prior to final approval, MMAH must be advised in writing by MHSTCI that there are no further concerns regarding built heritage resources or cultural heritage landscapes.
7. That prior to final approval, the ministry must be provided written confirmation from the Timiskaming Health Unit that the proposed lot has been inspected and is suitable for the installation of a subsurface sewage system and that any existing systems meet their requirements.
8. That prior to final approval, the ministry must be provided written confirmation of adequate capacity to dispose of hauled sewage generated by the proposed lot. 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, confirming it has sufficient reserve capacity to accept hauled sewage from the new lot.
9. That a notice be registered to the title of the lands which comprise part 2 and part 3 on Schedule A attached hereto and forming part of this decision. The notice shall include the two bullets listed below. Prior to final approval, the Ministry of Municipal Affairs and Housing is to be advised in writing by Ontario Northland that a satisfactory notice has been prepared. A legal undertaking from the person registering the documents shall also be provided agreeing to register the notice on

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title.

- a. The Owner acknowledges that the subject property is located adjacent to or within 100m from a rail right-of-way owned by Ontario Northland Transportation Commission. There may be alterations to the rail facilities on such right-of-way in the future including the possibility that Ontario Northland may expand its operations. Notwithstanding the inclusion of any noise and vibration attenuating measures at the time of such expansion or alteration, Ontario Northland will not be responsible for any complaints or claims arising from operations on, over and under the rail right-of-way.
- b. The Owner acknowledges that the rail right-of way is currently being used as a snowmobile trail which use may result in noise and emissions affecting the subject property. The Owner shall not be entitled to make any complaint and/or claim against Ontario Northland for nuisance or otherwise relating to the use of the rail right-of-way as a snowmobile trail.

10. That prior to final approval, the ministry must receive **one** of the following:

- a. Proof that the subject property is free of easements (e.g., the hydro easement noted in the application, LT33036).
- b. The applicant must demonstrate, to the satisfaction of the Ministry of Municipal Affairs and Housing, that the proposed lot could accommodate the proposed use (e.g., a suitable building envelope, septic system, well), when restrictions associated with any easements which are applicable to the subject property are taken into account.

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The following notes are for your information:

No. Notes

1. It is the applicant's and/or agent's responsibility to fulfil 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.

2. The required Transfer Application 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 Application form, the Schedule page or the survey plan will result in the documents being returned without consent.

3. For future reference, building permits are not required in areas without municipal organization, but all buildings are required to comply with the provisions of the Ontario Building Code. If you have any questions regarding the building code please direct your questions to the Building and Development Branch of the Ministry of Municipal Affairs and Housing, 16th Floor, 777 Bay Street, Toronto, Ontario M5G 2E5, at 416-585-6666, or at codeinfo@ontario.ca.
4. The subject property is within the Ministry of Transportation (MTO) permit control area. Please note the following requirements:
 - MTO building/land use permits are required for any proposed buildings, wells or septic systems located within 45 meters of the MTO right-of-way (ROW) limits or within 180 metres of any intersection along Highway 65.
 - MTO Sign permit(s) are required for the placement of any signs within 400 m of the limit of the highway.

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5. Per condition 5, an archaeological assessment is required. Further information on archaeological assessments, including a list of licensed archaeologists in Ontario, can be found on 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

Please note that a marine archaeological assessment may need to be undertaken prior to activities such as shoreline alterations or the construction of docks. For more information, please refer to the MHSTCI's screening checklist: [Criteria for Evaluating Marine Archaeological Potential](#).

6. Ontario Northland advised of the following requirements with respect to future entrances to the subject property:

- Transport Canada standards dictate that an entrance must be 30m from the nearest rail. As there is no track on the Elk Lake Branch, Ontario Northland requires the entrance be 25m from the edge of the right of way to comply with the standard.

7. Please notify the Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) at 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*.

8. The attached document 'Stormwater Best Management Practices for Camp Owners in Northeastern Ontario' outlines practices that can assist in maintaining or improving lake water quality from lot development. MECP recommends that waterfront property owners implement best management practices when planning, designing and constructing new development on the subject property.

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9. Please be advised of the following:

- 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*.
- Water from any water bodies on or near the lot 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 Timiskaming 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 Timiskaming 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.
- Domestic waste must be appropriately handled and disposed of at an **approved** waste disposal facility.

10. Since surface water may be used as a water source, MECP recommends that the attached 'Blue-Green Algae Fact Sheet' is reviewed. The fact sheet is intended to assist in understanding the risks of drawing lake water (risk of algae blooms), instead of well water, for private water supply.

11. In the future, if development activities on the lots could pose a risk to any species at risk or their habitat, the *Endangered Species Act* may be triggered. Such development activities may require a species at risk authorization. If a species at risk authorization may be necessary in future, MECP recommends that proponents contact SAR@ontario.ca.

12. The subject lands are located in an area with some potential for wildland fire. For information on enacting fire safe strategies please visit the following link:
<https://www.ontario.ca/page/firesmart>

13. Council of the Township of James has communicated their opposition to the use of their municipal landfill by the subject lands. Domestic waste should be disposed of

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at the Cane Township Waste Disposal Site, located off of Cane Road 4 in Cane unincorporated township.

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Schedule A

