

Owner/Agent:	J&J Properties Inc. – Hubert Roach/Ryan Seguin – Surveyors on Site Inc.	Date of Decision:	July 15, 2021
File Number:	54-C-207686	Date of Notice:	July 15, 2021
Municipality / Township:	Sharpe unincorporated township, Timiskaming District	Last Date of Appeal:	August 4, 2021
Location:	Lot 2, Concession 1, PIN 61266-0116 (servient) and PIN 61266-0117 (benefitting/dominant), Sharpe unincorporated township, District of Timiskaming		

NOTICE OF DECISION

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

On July 15, 2021 the Minister of Municipal Affairs and Housing gave a provisional consent to Application No. 54-C-207686 in respect of land in Sharpe 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:

- Stormwater Best Management Practices for Camp Owners in Northeastern Ontario
- Blue Green Algae Fact Sheet
- Clients Guide to Preliminary Screening for Species at Risk

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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 an easement approximately 20 metres by 30 metres in size (as described in the application) across PIN 61266-0116, for the purpose of access in favour of PIN 61266-0117, in Sharpe unincorporated township in the District of Timiskaming.
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 identify the property and ownership which the easement favours and the purpose of the easement.
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 owner of the benefitting lands (PIN 61266-0117) 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 benefitting lot, including:
 - a. The benefitting lot can only be used for resource-based recreational uses and is not to be used for permanent residential uses;
 - b. No on-site well or septic system can be located anywhere on the benefitting lot, unless a hydrogeological assessment, to the satisfaction of the Ministry of the Environment, Conservation and Parks (MECP), demonstrates that site

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conditions are suitable for the long-term provision of on-site services with no negative impacts.

- c. 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,
- d. provisions relating to the enforcement of the Consent Agreement.

If prior to final approval a satisfactory hydrogeological assessment is provided; 4(b) will be excluded from the Consent Agreement.

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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. Hydrogeological Assessments

The benefitting lot (0.1 ha) does not meet the minimum lot size criteria MECP recommends for residential waterfront lots. As such, a site-specific hydrogeological study would need to be provided to ensure adequate separation distances between water sources (e.g. wells) and septic systems. This study would also determine if the area is hydrogeologically sensitive and if site conditions are appropriate for the provision of on-site services over the long term with no negative impacts.

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Information regarding studies and information that can be submitted are outlined in MECP's, "*Procedure D-5-4: Technical Guideline for Individual on-site Sewage Systems: Water Quality Impact Risk Assessment*" and "*Procedure D-5-5 Technical Guideline for Private Wells: Water Supply Assessment*".

5. 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*.

6. Please be advised that the subject lands are located near the Englehart River Fine Sand Plain and Waterway Provincial Park. Please also be aware that the lakebed of Long Lake is regulated provincial park.

Any work that would affect the lakebed (for example, shoreline work that could extend into the water or the construction or maintenance of cribbing associated with boathouses and docks, new or existing) would require prior approval from Ontario Parks.

Approval is not guaranteed and is subject to review under the Class Environmental Assessment for Provincial Parks and Conservation Reserves. It is recommended that the proponent contact MECP prior to any work being initiated to determine whether proposed activities within the Provincial Park are permitted and whether a work permit application is required. If the proponent has any questions regarding permits they can contact Will Kershaw at 705-919-5223 or via email at will.kershaw@ontario.ca.

7. 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. Best Management Practices such as shoreline

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naturalization and vegetated buffer strips can reduce the adverse effects of shoreline development on inland lakes. MECP typically recommends that sewage systems be located a minimum of 30 m distance from the lake, however, this is not possible with the size of the subject property (0.1 ha). Infiltration practices should be introduced to reduce surface water runoff including rain gardens, infiltration trenches and grassed swales. 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. The use of a siphon or pump to distribute septic tank effluents to the tile bed can also reduce phosphorus loading. Measures such as avoiding septic starters, pumping out septic tanks every three to five years, and reducing water use also help protect water quality. Additional resources regarding Best Management Practices are listed in Appendix B of the Lakeshore Capacity Assessment Handbook, 2010, available at the following link:

<http://www.ontario.ca/environment-and-energy/lakeshore-capacity-assessmenthandbook-protecting-water-quality-inland-lakes>

MECP also recommends that waterfront property owners review the attached ‘Blue-Green Algae Fact Sheet’. The fact sheet is intended to assist in understanding the risks of drawing lake water, instead of well water, for private water supply.

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 waters of Long 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*.

8. Small private sewage disposal facilities which have a daily sewage flow of 10,000 litres or less per day must be certified by 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. 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.
9. Future development activity on the subject lands could trigger the *Endangered Species Act*. In the event that future development activities are proposed on the subject property, please use the attached ‘Client’s Guide to Preliminary Screening

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for Species at Risk' to determine the potential for conflicts with species subject to the *Endangered Species Act*. As stated in the checklist, please contact SAROntario@ontario.ca to discuss your preliminary screening.