

Applicants: 863654 Canada Inc.
File No.: 56-T-182756
Municipality/Twp: Unincorporated Township of
Munro, District of Cochrane
Subject Lands: PIN 65367-0072, Part of Lot 2
Concession 4, Location AL 900
(Part 1, Plan 6R-2498) Parcel
15299 S.E.C. Munro U/T,
Cochrane District

Date of Decision: September 1, 2021
Date of Notice: September 1, 2021
Last Date of Appeal: September 21, 2021

NOTICE OF DECISION

On Application for Approval of Draft Plan of Subdivision Subsection 51(37) of the Planning Act

On the above noted date, approval of a Draft Plan of Subdivision in respect of the subject lands noted above is given by the Minister of Municipal Affairs and Housing. 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 (MMAH) on or before the last date of appeal as noted above.

The notice of appeal should be sent to the attention of Caitlin Carmichael, 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 *Ontario Land Tribunal Act, 2021* in the amount of \$1,100.00, 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 subdivision 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 on its behalf.

Right of Applicant or Public Body to Appeal Conditions

The applicant or any public body may, at any time before the final plan of subdivision is approved, appeal any of the conditions imposed by the Minister of Municipal Affairs and Housing to the Ontario Land Tribunal by filing with the Minister, or his or her delegate, a notice of appeal.

How to Receive Notice of Changed Conditions

The conditions of an approval of draft plan of subdivision may be changed at any time before the final approval is given.

You will be entitled to receive notice of any changes to the conditions of approval of the proposed plan of subdivision if you have either,

- (1) made a written request to be notified of the decision to give or refuse to give approval of draft plan of subdivision, or
- (2) make a written request to be notified of changes to the conditions of approval of the draft plan of subdivision.

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 (Sudbury)
159 Cedar Street, Suite 401
Sudbury ON P3E 1B1

Submit notice of appeal to the attention of:
Caitlin Carmichael, Planner
Municipal Services Office North (Sudbury)
Telephone: (705) 564-6845



Anna Little
Manager, Community Planning & Development
Municipal Services Office – North (Sudbury)

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The Minister's conditions of approval for registration of this Subdivision are as follows:

No.	Conditions
1.	That this approval applies to the redlined Draft Plan of Subdivision, identified as Schedule A, attached hereto and forming part of this decision, showing a total of 12 Lots, six easements and six blocks (Blocks A, B, C, D, E, F) as illustrated. Block A will be tied to Lot 12, B with Lot 11, C with Lot 10, D with Lot 9, E with Lot 8, and F with Lot 7 through a Section 118 Restriction made under the <i>Land Titles Act</i> .
2.	This approval will lapse on September 1, 2024 .

Clearance Letters

3. Prior to final approval, the applicant is to provide the Ministry with written confirmation from the following:
 - (a) Ministry of Finance that all provincial land taxes are paid to date. Note #4 to these Conditions contains additional information.
 - (b) Board of Education/Separate School Board that all school taxes are paid to date. Note #5 to these Conditions contains additional information.

Reports

4. Prior to final approval, the applicant is to provide a technical report identifying how future landowners can implement stormwater management best practices prior to, during and after development. This report shall be submitted for review and approval to the Ministry of Environment, Conservation and Parks (MECP). The findings of this report shall be incorporated into the Schedule "A" – List of Standard and Site-Specific Requirements and Notification Provisions of the Agreement registered on title to each of the lots created.

Blocks

5. That, prior to final approval, the applicant and their solicitor shall undertake, through an executed undertaking provided to this ministry, to:
 - (a) apply to the Director of Titles for an entry to be made on the register that no transfer of Blocks A-F or Lots 7-12 shall be made or charge created with respect

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to the lands unless the consent of the Manager, Community Planning and Development, Municipal Services Office North-Sudbury, Ministry of Municipal Affairs and Housing is given to the transfer or the creation of a charge; and

(b) provide to the Ministry proof that this entry has been made.

Utility, Drainage or Access Easements

6. The applicant shall grant any easements as may be required for utility, drainage or access purposes to the appropriate authority, including:
- (a) As shown on Schedule A, that easements be dedicated over each of Lots 7-12 to permit ingress and egress for continued public access to Blueberry Lake Road.

Restrictions on Title

7. That prior to final approval, an agreement providing the following restrictions will be registered against the title to all lots, or the site-specific lots noted, within this plan of subdivision before any lots within the plan are transferred and that the Ministry of Municipal Affairs and Housing will be provided with evidence of the registration of the agreement within 30 days of the registration of the plan of subdivision, with the wording of such agreement being to the satisfaction of the Ministry of Municipal Affairs and Housing:
- (a) That Lots 1-12 can only be used for resource-based recreational uses (including a recreational dwelling) and are not to be used for permanent residential or commercial uses;
- (b) That Blocks A, B, C, D, E and F can be used for recreational purposes that are accessory to Lots 7-12. No recreational dwellings, garages, other accessory structures or individual-on-site sewage or water systems are to be erected or installed on the Blocks.
- (c) That the Agreement for Lots 1-12 include the following provisions in Schedule "A" – List of Standard and Site-Specific Requirements and Notification Provisions to the Agreement for lots:

Servicing:

- i. Approval must be obtained from the Porcupine Health Unit (PHU) 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 PHU. The PHU can also provide information on construction requirements, including minimum distances required between sewage systems and sources of

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- potable water, and further information regarding Ontario Building Code requirements.
- ii. For lots 1-6 with frontage on Munro Lake, septic systems shall be installed a minimum of 30 m from the high-water mark to allow for reasonable natural attenuation capacity.
 - iii. Per Section 8 of the Report titled "*Procedure D-5-3, D-5-4, D-5-5 and Land Use Change Assessments Munro Lake Recreational Cottage Lots, Draft Plan of Subdivision*" by Hutchinson Environmental Sciences Ltd., all septic systems should be constructed on upland, well-drained areas to avoid potential interaction with seasonal higher-than-expected shallow groundwater.
 - iv. Wells must be installed in accordance with the requirements of Ontario Regulation 903 (Wells). Per Section 8 of "*Procedure D-5-3, D-5-4, D-5-5 and Land Use Change Assessments Munro Lake Recreational Cottage Lots, Draft Plan of Subdivision*" by Hutchinson Environmental Sciences Ltd, well construction should consider the following to protect groundwater quality:
 - (i) Steel 159 mm diameter casings with 4.8 mm thick walls, installed from 0.5 m above ground surface to the approximate depth of the desired screened interval (as determined by the well driller), with 0.2 m or more casing overlapping the underlying screened interval; and
 - (ii) Stainless steel no. 14 slot, 120 mm diameter screen, 2.0 m long.
 - v. For lots 1-6 with frontage on Munro Lake, if surface water from Munro Lake is used, the water 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 (<https://www.ontario.ca/page/drinking-water>).

Road Maintenance:

- i. Blueberry Lake Road is subject to a 50/50 Special Maintenance Agreement (SMA). SMA's are annual, cost-sharing agreements between the Ministry of Transportation (MTO) and owners of land for the maintenance of an existing public road that meets minimum standards. Legislative authority is through PART XIII of the *Public Transportation and Highway Improvement Act*.

The involvement MTO has in providing services under an SMA varies depending on a variety of factors, and can range from service similar to what is provided to a Local Roads Board to simply providing technical advice and paying invoices for maintenance work arranged for by the owners of land. MTO is not the road authority, but rather, communication is directed from an elected Road Agent on behalf of the 50/50 SMA.

- ii. The Ministry of Northern Development, Mines, Natural Resources and Forestry's Unincorporated Roads Program provides funding for 50/50 SMAs to landowners who have an interest in the construction, maintenance or repair of public roads and bridges that provide benefit to the general public but fall in a territory without

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municipal organization. As the name implies, costs are shared equally, although the Province may limit the amount of funding it will provide in the future and the landowner(s) may contribute a greater share

Waste Disposal:

- i. All domestic waste must be appropriately handled and disposed of at an approved waste disposal facility. There are currently two disposal sites that can accept domestic waste including the Arnold Township Waste Disposal Site & McEvay Township Waste Disposal Site. Both facilities are seasonal and will only accept waste during operational periods. The Arnold Township Waste Disposal Site is open from April 1-November 15 and the McEvay Township Waste Disposal Site is open from May 1-October 31 annually. Outside of these periods, it is up to the individual landowners to dispose of domestic waste appropriately.

Habitat of Threatened and Endangered Species:

- i. Eastern Whip-poor-will (EWPW) habitat may exist on or adjacent to the subject property. To ensure that there are no impacts on EWPW, it is recommended that there be no tree clearing from May 1st to August 15th.
- ii. Species at Risk (SAR) bat habitat may also be present on the subject property. Impacts to SAR bats can be avoided by not clearing the subject property from May 1st to August 31st.
- iii. Blanding's Turtle habitat may be present on or near the subject property. The Ministry of the Environment, Conservation and Parks (MECP) recommends that habitat mapping and/or targeted SAR surveys be conducted for this species once development proposals are available. Prior to development, landowners are directed to contact MECP's Species at Risk Branch to discuss development proposals to help determine the potential requirements under the *Endangered Species Act* (ESA).

The following information will be required to determine whether future activities will adversely impact SAR or their habitat and whether an authorization will be required:

- (i) Location of property where the activity is to take place (e.g. lot, concession, GPS coordinates)
- (ii) Presence/absence and location of species at risk species and/or species at risk habitat on the property
- (iii) Development activity footprint
- (iv) Type of activities planned (e.g. site clearing)
- (v) Timing for all planned activities

Other Species Considerations:

Per the following sections of the report titled "*Environmental Impact Study for a*

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Proposed Application of Subdivision – Munro Lake” by Blue Heron Environmental, the following is recommended:

Section 6.3.1 Breeding Birds:

- i. Vegetation Clearing and grubbing activities related to the development of the lots shall occur outside of the Breeding Bird Season (August 15th – April 10th).

Section 6.3.2 Bald Eagles Nests:

- i. Should a Bald Eagle become a common sighting or stick nest be observed, clearing activities shall stop immediately and the MECP contacted within 5 business days;
- ii. Should a stick nest be located in the study area, a 500m buffer should be placed around the nest where no clearing activities are to occur and contact MECP within 5 business days.

Section 6.3.3 Mammals:

- i. Should a den-like feature be observed with young, clearing and development must stop and the MECP contacted; and
- ii. Should a Cougar or Wolf be observed with young, clearing and development must stop and the MECP contacted.

Section 6.3.5 Invasive Species:

- i. Should any substrate or aggregate be planned for removal and transportation to a Provincial Park or any other restricted areas under the [*Invasive Species Act*], the property should be reassessed for the presence of invasive species and activities listed under prohibitions under the act (Section 7 and 8) prior to transporting the material to restricted areas.

Fish Habitat:

- i. Per Section 6.3.4 of the report titled “*Environmental Impact Study for a Proposed Application of Subdivision – Munro Lake*” by Blue Heron Environmental, the following shall be adhered to protect fish habitat:
 - (i) No vegetation clearing or other development activities shall occur within 20m of the highwater mark of Munro Lake;
 - (ii) Development shall be limited within the 20m buffer to a mulched 2m access trail to the lake
 - (iii) shore and a docking structure constructed within the suitable docking envelope identified;
 - (iv) An application for shoreline structures will be submitted for approval by the [Ministry of Northern Development, Mines, Natural Resources and Forestry]; and
 - (v) A 20m vegetation buffer from the high-water mark of the lake will be left in

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a natural state.

Waterfront Structures:

- i. A permit approval under the *Public Lands Act* or the *Lakes and Rivers Improvements Act* may be required for any waterfront structures from the Ministry of Northern Development, Mines, Natural Resources and Forestry (“NDMNRF”). No shoreline alterations, dock construction, break waters, submerged water line, water crossings, or any other water related work shall be undertaken without first contacting the approval authority. Depending on the nature of the work, a work permit may or may not be required or issued.

The NDMNRF also provides online information on work permits:
<http://www.ontario.ca/page/crown-land-work-permits> and for information about occupational authority: <https://www.ontario.ca/page/buy-or-rent-crown-land#section-3>.

Wildland Fire:

- i. The subject lands contain forest fuel types which may indicate risk for wildland fire. Please refer to the Ministry of Northern Development, Mines, Natural Resources and Forestry’s (“NDMNRF”) *Firesmart Landscaping Guide* and the *Homeowners Firesmart Manual* for information about steps you can take to help protect your property from wildland fire. For information on enacting fire safe strategies around your property please visit the following link:
<https://www.ontario.ca/page/firesmart>.

Protection of Water Quality:

- i. Sewage systems should be located as far as possible from the shoreline (minimum of 30 metres for waterfront lots) of Munro Lake. The further a tile field is placed from a water body, the greater the intervening land base, with the capacity to intercept and retain phosphorous.
- ii. Buildings and other structures should also be setback as far as possible from the shoreline (minimum 30 metres) and a 15-metre vegetative buffer from the shoreline should be established and maintained.
- iii. Lot 7-12 which do not front on Munro Lake are also encouraged to locate the sewage system as far back from the shoreline as possible.
- iv. Landowners should implement Best Management Practices (BMP) for low impact development and should utilize erosion and sediment controls during construction phases of development.

Building in Unincorporated Areas:

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- i. 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 fees are not required. Inquiries about the Building Code should be made to:

Ontario Building Code
Ministry of Municipal Affairs and Housing
17th Floor, 777 Bay Street
Toronto, ON M5G 2E5
Telephone: (416) 585-7041
<https://www.ontario.ca/page/ontarios-building-code>

Archaeological Considerations:

- i. Should deeply buried cultural relics be found during construction activities, please notify the Ministry of Heritage, Sport, Tourism, and Culture Industries (MHSTCI) directly at archaeology@ontario.ca or 416-314-7620. 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 applicant or its solicitor shall give an undertaking that, upon any subsequent sale or transfer of all lots, it shall be a requirement of the sale or transfer that each successor in title shall acknowledge and agree to be bound by the restrictions registered in accordance with condition 7, for themselves and any future successor in title.

Provision of Information and Notices

9. The applicant will:
 - a) Provide to the purchasers of all lots, copies of the agreement on title which contains information regarding how the lands can be used and List of Standard and Site-Specific Requirements and Notification Provisions.

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- b) Provide to the purchasers of all lots, the following documents for information purposes:
- The report titled “*Environmental Impact Study for a Proposed Application of Subdivision – Munro Lake*” by Blue Heron Environmental
 - The MECP document titled “*Stormwater Best Management Practices for Camp Owners in Northeastern Ontario*”
 - The MECP document titled “*Stormwater Management Planning and Design Manual*”
 - The MECP document titled “*Lakeshore Capacity Assessment Handbook*”.
 - The MECP document titled “*Blue-green algae: Information for cottagers and homeowners*”;
 - The Ministry of Northern Development, Mines, Natural Resources and Forestry (NDMNR) document titled “*FireSmart Landscaping: A Guide to Protecting Your Home from Wildfire*”; and
 - The NDMNR document titled “*The Homeowners FireSmart Manual: Protect your home from wildfire*”.

Undertakings

10. Prior to final approval, the applicants shall provide a solicitor’s personal undertaking to comply, promptly and in good faith, with all of the obligations set out in these conditions.

NOTES TO DRAFT APPROVAL:

1. It is the applicant’s responsibility to fulfil the conditions of draft approval and to ensure that the required clearance letters are forwarded by the appropriate agencies to the Municipal Services Office North (Sudbury), Ministry of Municipal Affairs and Housing, quoting the Ministry File number 56-T-182756.
2. The applicant should note that:
 - a) Subsection 144(1) of *the Land Titles Act* requires that a plan of subdivision of land that is located in a land titles division be registered under *the Land Titles Act*. Exceptions to this provision are set out in subsection 144(2); and
 - b) Subsection 78(10) of *the Registry Act* requires that a plan of subdivision of land that is located only in a registry division cannot be registered under *the Registry Act* unless that title of the owner of the land has been certified under the *Certification of Titles Act*. Exceptions to this provision are set out in clauses (b) and c) of subsection 78(10).
3. All measurements in subdivision and condominium final plans must be presented in metric units.

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4. Land tax receipts are available from the Provincial Land Tax Office of the Ministry of Finance, PO Box 58, Thunder Bay, ON P7C 0A5 (phone: 1-866-400-2122 or 807-625-2122, plt@thunderbay.ca).
5. School tax receipts are available from the Board of Education and/or the Separate School Board under whose jurisdiction the property is located. Information with respect to the applicable school board(s) can be obtained from the district office of the Ministry of Education.
6. Approval of the draft plan will lapse on September 1, 2024. It is the responsibility of the applicant to request an extension of the draft approval if one is needed.

A request for extension should be made at least 60 days before the approval lapses because no extension can be given after the lapsing date. The request should include the rationale for granting the extension.
7. The final plan approved by the Minister must be registered within 30 days or the Minister may withdraw approval under subsection 51 (59) of the *Planning Act*, R.S.O. 1990, as amended.