

Owner/Agent: Joelle Faulkner, Temwest Farms / Karen Gerrard, Temwest Farms
Date of Decision: September 14, 2021
File Number: 54-C-216436
Date of Notice: September 14, 2021
Municipality / Township: Ingram unincorporated township, Timiskaming District
Last Date of Appeal: October 4, 2021
Location: PIN 61273-0040, Part of Lot 5, Concession 5; locally known as 284151 Elliott Road; Ingram unincorporated township, Timiskaming District

NOTICE OF DECISION

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

On September 14, 2021 the Minister of Municipal Affairs and Housing gave a provisional consent to Application No. 54-C-216436 in respect of land in Ingram 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)

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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 the creation of a new lot approximately 1.42 hectares in size from PIN 61273-0040, known locally as 284151 Elliott Road, in Ingram unincorporated township, District of Timiskaming. Approximately 30.11 hectares will be retained for agricultural 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 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 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 retained lot, including:
 - a. the retained lot can only be used for agricultural purposes and is not to be used for permanent residential and/or recreational purposes;
 - 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.

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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. 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

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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*.

5. Any new buildings and/or structures on the retained and severed lands must respect the Minimum Distance Separation (MDS) Formulae, as applicable. For more information on MDS, please see the following link:
<http://www.omafra.gov.on.ca/english/landuse/mds.htm>.