

**Owner/Agent:** Darcy Brian Dorrell / William A. Ramsay, Ramsay Law Office Professional Corporation  
**Date of Decision:** October 13, 2021  
**File Number:** 54-C-215406  
**Date of Notice:** October 13, 2021  
**Municipality / Township:** Robillard unincorporated township, Timiskaming District  
**Last Date of Appeal:** November 2, 2021  
**Location:** PINs 61285-0059, 61285-0060, 61285-0062, and 61285-0063; Gravel Pit Road (Robillard Con Rd 3), Bear Road, and Long Lake; Robillard unincorporated township, Timiskaming District

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## NOTICE OF DECISION

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

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On October 13, 2021 the Minister of Municipal Affairs and Housing gave a provisional consent to Application No. 54-C-215406 in respect of land in Robillard 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

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[michelle.lawrence@ontario.ca](mailto:michelle.lawrence@ontario.ca) or 705-561-9362 for additional information or to see if alternate arrangements can be made.

**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



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

**Attachments:**

- Consent agreement template. When having documents prepared to meet conditions, please have a legal professional complete this template and return to the ministry for review and approval before signatures.
- Client's 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.

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#### No. Conditions

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1. That this approval applies to sever the whole of PINs 61285-0062 and 61285-0063 (approximately 62.32 hectares), as described in the above-noted application. The lands are in Robillard unincorporated township, District of Timiskaming and would be used for agriculture.
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.

OR

A copy of the instrument for this transaction upon which an Order from the local Land Registrar appears, exempting this transaction from the requirement to provide a reference plan of survey under subsection 150 of the *Land Titles Act*, or a letter to that effect from the local 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, 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,

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addressing the use and potential development of the severed and retained lots, including:

- a. the lot can only be used for agricultural uses and is not to be used for residential uses;
  - 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.
5. That prior to final approval the ministry must receive documentation, to its satisfaction, which demonstrates that the severed and retained lots comply with minimum distance separation (MDS) setbacks from adjacent livestock facilities. Additional information is available in the notes section.

The following notes are for your information:

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**No. Notes**

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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.

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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 information about MDS, please visit the OMAFRA MDS webpage: <http://www.omafra.gov.on.ca/english/landuse/mds.htm>. This webpage provides general MDS information, including links to a pdf copy of the MDS implementation guidelines (Publication 853) and the AgriSuite software (<http://www.omafra.gov.on.ca/agrisuite.html>) used to complete the calculations.

MDS I setbacks will need to be determined for this proposal. The following MDS Implementation Guidelines may apply (#6, #8, #41). Should you have any questions or if you require clarification please do not hesitate to contact us.

4. 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](mailto:codeinfo@ontario.ca).
5. Please notify the Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) at [archaeology@ontario.ca](mailto: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. Long Lake, formed by the widening in the Englehart River, stretches for roughly 12 km upstream and 8 km downstream from the subject lands. It is reported to support a cool water fishery with a stocked lake trout population. Other fish species found in

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this lake include walleye, burbot, Northern Pike, and pumpkinseed. The *Englehart River Fine Sand Plain & Waterway Provincial Park Management Statement* (Management Statement) for the Park additionally lists lake herring, ling, brown bullhead, smallmouth bass, yellow perch, and white sucker, as species inhabiting Long Lake.

Fish populations in Long Lake are sensitive to changes in nutrient loading and water quality. Increases in nutrient loading (phosphorous) could have negative impacts on fish populations supported by Long Lake. No total phosphorous data is available for Long Lake. We encourage lakefront property owners to participate in the Lake Partner Program to help gather information about phosphorous concentrations in Long Lake. Information regarding the program can be found at: <http://desc.ca/programs/lpp>.

Site clearing may result in increased runoff and nutrient loading into the lake. We strongly urge property owners to follow best management practices to prevent localized increase in phosphorous and to reduce potential for algae and weeds along the shoreline. Attached is the document “Stormwater Best Management Practices for Camp Owners in Northeastern Ontario” which outlines practices that can assist in maintaining or improving lake water quality. Best Management Practices such as shoreline naturalization and vegetated buffer strips can reduce the adverse effects of shoreline development on inland lakes. 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. Additional resources regarding Best Management Practices are listed in Appendix B of the Lakeshore Capacity Assessment Handbook, 2010, available at the following link: [Lakeshore Capacity Assessment Handbook: Protecting Water Quality in Inland Lakes | Ontario.ca](#).

Also enclosed in this package is the *Blue-Green Algae Fact Sheet*. The fact sheet discusses the risks of drawing lake water, instead of well water, for private water supply.

7. Please be advised that the lots have not been assessed for suitability to support on-site well or septic. The following notes are provided for your information:

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- Should wells be considered as drinking water sources in the future, 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*.
  - Approval must be obtained from the local Health Unit 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 Timiskaming Health Unit. The Health Unit can also provide information on construction requirements, including minimum distances required between sewage systems and sources of potable water.
8. If future development activities on the subject lands could pose a risk to species at risk or their habitat, the *Endangered Species Act* may be triggered. Such development activities may require authorization. For more information please contact [SAR@ontario.ca](mailto:SAR@ontario.ca). Additional information is available at <https://www.ontario.ca/page/species-risk>. For your reference, the Client's Guide to Preliminary Screening for Species at Risk is attached.
9. Please be advised that that the bed of Long Lake is a 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. Please contact Louisa Whitehead, Protected Area Lands Technical Specialist, Northeast Zone Ontario Parks, at [Louisa.Whitehead@ontario.ca](mailto:Louisa.Whitehead@ontario.ca) 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.
10. Two cold water streams cross through PINs 61285-0062 and 61285-0063, these streams are fed by a small wetland located on the same lot. These streams may

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support Brook Trout and other fish. Any site alteration affecting the streams or wetland on the property may negatively impact fish habitat.

Permits/approvals may be required prior to work which may impact the streams, wetland or any other fish habitat on or near the subject property. Please visit the following link for more information: <https://www.ontario.ca/page/crown-land-work-permits>.