

Applicant:	1833234 Ontario Inc. North Vista Investments Inc. (Patrick Boileau, owner)	Date of Decision:	December 9, 2021
File No.:	58-C-206652	Date of Notice:	December 9, 2021
Municipality/Twp:	Unsurveyed Territory west of Inwood Township, in the District of Thunder Bay	Last Date of Appeal:	December 29, 2021
Subject Lands:	PIN 62505-1466, FIRSTLY: PCL 24349, PT of LOCATION CL 5850, PT 1, 55R8127; SECONDLY: PCL 24349, PT LOCATION CL 5850 PT 2, 55R8172; THIRDLY: PCL 24349, PT LOCATION CL 5850, PT 3, 55R8172; FOURTHLY: PCL 7613, SUMMER RESORT LOCATION PJ 153, PT 1, FWR298; Lac des Mille Lacs		

NOTICE OF DECISION

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

On the above noted date, the Minister of Municipal Affairs and Housing (MMAH) gave a provisional consent to Application No. **58-C-206652** for the creation of a new lot for a tourist resort commercial operation, as modified in Appendix A attached hereto and forming part of this decision, in respect of the land described as PIN 62505-1466, on Lac des Mille Lacs, in unsurveyed Territory, in the District of Thunder Bay. 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 Sylvie Oulton, Senior 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, Province of Ontario.

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.

Effect of Written and Oral Submissions

Written and oral submissions in addition to comments provided by partner ministry's contributed to conditions: 4, 5, 6, 7, 8 & 9.

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.

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 North (Thunder Bay)
435 James Street South, Suite 223
Thunder Bay, ON. P7E 6S7
Attention: Sylvie Oulton, Senior Planner
Telephone: (807) 630-3486



Victoria Kosny, Manager,
Community Planning and Development

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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 this letter** are set out below. These conditions must be fulfilled prior to the granting of consent.

No. Conditions

1. That this approval, as modified in Appendix A, attached hereto and forming part of this decision, applies to the creation of one new lot, approximately 1 hectare in size, for a tourist resort commercial use.
2. That an easement in favour of the retained lands for access purposes over the severed property be registered on title and included in the Transfer document, the Schedule and the survey plan submitted.
3. 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.
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 shall enter into a Consent Agreement for the new lot with the Ministry of Municipal Affairs and Housing (MMAH), to its satisfaction, addressing the use and potential development of the new lot, including:
 - a. Certain standard and site-specific requirements and notification provisions be identified, including those in Appendix B attached hereto and forming part of this Decision;
 - b. The lot can only be used as a tourist resort commercial operation and is not to be used solely for a single resource-based residential use without the completion of a Record of Site Condition (see clause 2 in Appendix B for further information);

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- c. Provisions to obtain undertakings from the applicant and/or the applicants' 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.
5. That prior to final approval, this Ministry must receive a letter from the Thunder Bay District Health Unit (TBDHU) which states that each lot has been inspected by the TBDHU and are suitable for the installation of a subsurface sewage system or that the existing systems meet their requirements.
 6. That prior to final approval, written confirmation 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 these lots.
 7. That prior to final approval, the owner agrees to complete any additional work as required by Ministry of Heritage, Sport, Tourism, Culture and Industries (MHSTCI), pending the review of an archaeological assessment (P476-0054-2021); or a letter is received from MHSTCI confirming that no further assessment is required, and the report has been entered into the Public Register of Archaeological Reports.
 8. That prior to final approval, the Ministry of Northern Development, Mines, Natural Resources and Forestry (NRF) district office confirms that the issue of an unauthorized structure located on the Crown shoreline reserve has been resolved to their satisfaction.
 9. That prior to final approval, the Ministry shall receive confirmation from the Ministry of Northern Development, Mines, Natural Resources and Forestry (NRF) that a Wildland Fire Assessment that includes mitigation techniques proposed in accordance with the Wildland Fire Risk Assessment and Mitigation Manual has been submitted and that they are satisfied with the report and recommendations.

The following NOTES are for your information:

NOTES:

1. The required Transfer/Deed of Land 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/Deed of Land form, the Schedule page or the survey plan will result in the documents being returned without consent.

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

Buildings and Development Branch
 Ministry of Municipal Affairs and Housing
 17th Floor, 777 Bay St.
 Toronto, ON M5G 2E5
 Telephone: (416) 585-7041
codeinfo@ontario.ca

- Owners and prospective buyers should contact the Thunder Bay District 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 Health Unit. The Health Unit can also provide information on construction requirements, including minimum distances required between sewage systems and sources of potable water.
- Please notify the Ministry of Heritage, Sport, Tourism, and Culture (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.

- New wells must be installed in accordance with the requirements of Ontario Regulation 903 (Wells). Water quality and quantity testing should be completed for each new lot in

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accordance with MECP's "Technical Guideline for Private Wells" (1996) and conducted by a qualified professional. If water from test wells exhibit values for health and aesthetic parameters that are above the Ontario Drinking Water Standards, the water must be treated prior to consumption. Upon well installation, a qualified professional should also demonstrate that there is an adequate quantity of groundwater available to meet the requirements of the residence without interference to adjacent properties.

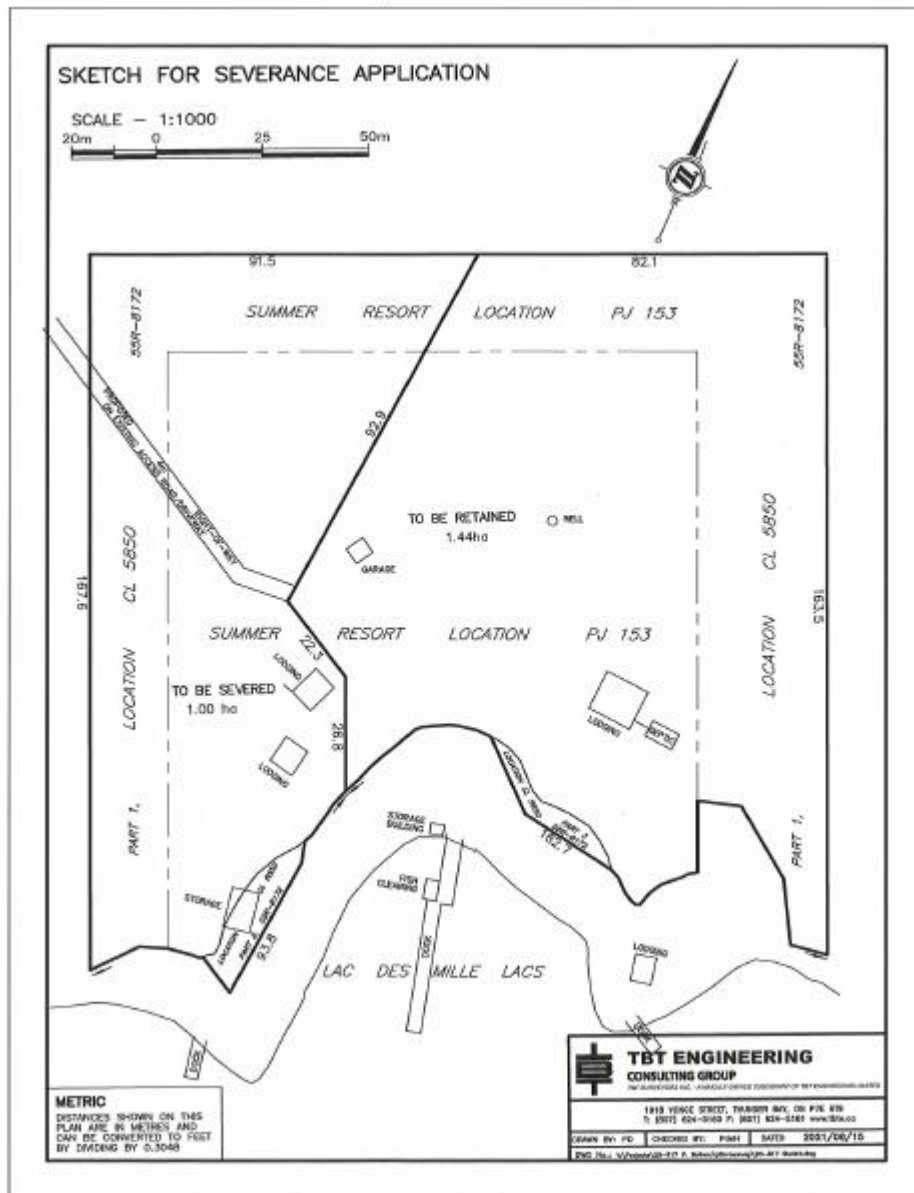
6. It is the applicant's and/or agent's responsibility to fulfill the conditions of consent approval within **one year of the date** of this letter pursuant to Section 53 of the *Planning Act*. **We will issue no further notice or warning of the expiration of the one-year period.**

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.**

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APPENDIX 'A'



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APPENDIX 'B'

Preliminary list of standard and site-specific requirements and notification provisions:

- 1) That prospective buyers or transferees be notified by the property owners that the Province of Ontario does not guarantee road access to the property and that private owners who rely on this forest access road for access may need to assume costs and responsibility for upkeep and maintenance in the future.
- 2) The filing of a Record of Site Condition (RSC) to the Environmental Site Registry is required under the Environmental Protection Act and the Building Code Act before property use can change from commercial to a residential or other more sensitive use. The filing of an RSC is also required prior to the construction of a building if the building will be used in connection with a prohibited change in use. If the proposed property will be changing from commercial to recreational use, the filing of an RSC will be required.
- 3) To minimize potential negative impacts to the lake, further development on the lot shall occur a minimum of 30 metres back from the shoreline.
- 4) No assessment has been undertaken for groundwater quality or quantity. Groundwater supplies may not be adequate to support the use of individual private wells on either the retained or severed lot, should this source of water be used in future.
- 5) Should wells be considered as drinking water sources, they must be constructed in accordance with Regulation 903 - Wells, under the Ontario Water Resources Act.
- 6) The water from Lac des Mille Lacs 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.
- 7) Small private sewage disposal facilities which have a daily sewage flow of 10,000 litres or less per day must be certified by the Thunder Bay District 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 Health Unit should be contacted for information on the proper installation and operation of Class IV septic systems and Class I (pit privy) sewage systems.
- 8) Domestic waste must be appropriately handled and disposed of at an approved waste disposal facility.

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- 9) The attached *Client's Guide to Preliminary Screening for Species at Risk* should be utilised to determine potential for conflicts with species subject to the Endangered Species Act (ESA). The results of this screening, along with a completed checklist should be provided to Species at Risk (SAR) Ontario Branch (SAROntario@ontario.ca) in the case where there is a potential to impact species at risk or their habitat.
- i. If activities subsequent to a severance or other administrative activity (for example, development on a lot) that could impact species at risk or their habitat are planned, then the person undertaking those activities will need to determine if an ESA authorization is required before the activities are undertaken.
 - ii. Please visit "How to avoid authorization" and "Permit types" (<https://www.ontario.ca/page/how-get-endangered-species-act-permit-or-authorization>) for more information.
- 10) The use of Best Management Practices for shoreline development is strongly recommended. Best Management Practices such as shoreline naturalization and vegetated buffer strips can reduce the adverse effects of shoreline development on inland lakes. Landowners are to have regard to the following key management techniques for development adjacent to lakes:
- (a) Locate sewage systems as far as possible from the shoreline where native soils are deepest, with any drinking water wells remaining up gradient.
 - (b) Avoid septic starters, pump the tank out every three to five years and reduce water use.
 - (c) Avoid development next to the shoreline for a minimum of 30 metres.
 - (d) Reduce lot grading and limit creation of impervious surfaces (i.e. roads, roofs, parking areas, patios etc.) to reduce stormwater runoff and encourage natural infiltration.
 - (e) The use of fertilizers should be avoided.
 - (f) Maintain or add vegetation along the shore and around the property.
 - (g) Public participation in the Lake Partner Program to assist in understanding the health of Ontario's lakes is encouraged. For more information on the Lake Partner Program please see the following website (<https://desc.ca/programs/LPP>).