

Applicant: Brian Ross Siegfried
File No.: 58-C-201476
Municipality/Twp: Unincorporated Township of Sibley, in the District of Thunder Bay
Subject Lands: PIN 62492-0254; Pt Blk F, Plan 431, Pts 2, 3, 4, 5 & 6 of 55R-5162 & Pt 1 & 2 of 55R6659; S/T TBR363973 Unincorporated Township of Sibley, District of Thunder Bay

Date of Decision: May 3, 2022
Date of Notice: May 3, 2022
Last Date of Appeal: May 23, 2022

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-201476** for the creation of one of two new parcels, for resource-based recreational use in respect of the land described as PIN 62492-0254, in Silver Islet, in the unincorporated Township of Sibley, 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 ministries contributed to conditions: 3, 4, 5 and 6.

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 **58-C-218616**

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 two years 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, applies to the creation of one new parcel (of two) of approximately 1.31 hectares in size from PIN 62492-0254, and a retained portion of 0.73 hectares, for a resource-based recreational use, in the above-noted location in the geographic township of Sibley, in the District of Thunder Bay.
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;
 - 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; and/or a legal description of the lands to be severed (and retained if requested) which is acceptable to the land registrar.
3. That prior to final approval, a Stage 2 archaeological assessment (and any further assessments, as recommended) must be prepared by a licensed archaeologist under the *Ontario Heritage Act* and submitted to the Ministry of Heritage, Sport, Tourism, Culture and Industries (MHSTCI). Any assessment(s) must conform to the standards and guidelines for Consultant Archaeologists (MHSTCI 2011) and the terms and conditions of the license issued to the archaeologist under Part VI of the Ontario Heritage Act. The licensed archaeologist should forward a copy of the MHSTCI review letter to MMAH. The review letter should indicate that the reports have been entered into the Ontario Public Register of Archaeological Reports where those reports recommend that:
 - a. all archaeological assessment of the subject lands is complete or
 - b. all archaeological sites identified by the assessment are either of no further cultural heritage value or interest (as per Section 48(3) of the Ontario Heritage Act) or that mitigation of impacts has been accomplished through excavation or an avoidance and protection strategy.
4. That prior to final approval, the Ministry shall receive written confirmation from the Ministry of Northern Development, Mines, Natural Resources and Forestry (MNRF) that:

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- a) a Natural Heritage Site Assessment for the entire subject property plus an outward extension of 120m beyond the property boundary has been completed which evaluates its significance, and if determined to be significant, delineate the extent of the significant wildlife habitat and adjacent lands; and that it has been demonstrated that development and site alterations will not negatively impacts the natural features or their ecological functions. (See Note 3 and 4 for further information.)
 - b) the wetland on the east site of Part 5, as shown in the attached Appendix A, has been evaluated by a person certified under the Ontario Wetland Evaluation System (OWES); and that it has been demonstrated that development and site alterations will not negatively impact its natural features or ecological functions.
 - c) 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.
5. That prior to final approval, the Ministry shall receive:
- a) a letter from the holder of an Environmental Compliance Approval (ECA) for an approved sewage disposal facility (and not just the hauler), referencing the disposal facility and the related Ministry of Environment, Conservation and Parks (MECP) approval, and confirming that the disposal facility has sufficient reserve capacity to accept hauled sewage from the lots.
 - b) proof of water on all new lots. Details on where and how the waterline will be installed to and from the water and will they cross over private properties. If the lines cross over private property, prior to final approval, easement applications will be required from those property owners to MMAH to ensure the long-term provision; or
Written confirmation from a licensed well driller, verifying adequate potable water (including any treatment possible to make the water aesthetically suitable for human consumption) and pumping capacity on the proposed severed property in accordance with Regulation 903 – Wells, under the Ontario Water Resources Act and the D-5-5 Private Wells-Water Supply Assessment and the Ontario Building Code (Note: at least 15m clearance distance between a well and a septic system tank or 46m between a well and a septic drain field or leaching bed is required.)
 - c) a letter from a waste disposal facility (other than the Park) where garbage disposal will be hauled and deposited for the long term. Ontario Parks will not accept the long-term responsibility to handle domestic waste from a cottage association.
6. This Ministry is to be advised in writing by the transferor that the Offer of Purchase and Sale agreement, or alternatively, an acknowledgement by the transferor and transferees if the transaction is between family members, contains the following clauses for both the severed and retained lots:
- i. The eastern adjacent lands are acquired lands, purchased through conservation efforts as additions to Sleeping Giant Provincial Park. These lands have yet to be regulated formally under the Provincial Parks and Conservation Reserves Act, however does

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- represent the adjacent land use east of the subject property, which continues to Fork Bay. This property contains extensive and varied types of wetland environments; Ontario Parks has established a number of monitoring plots to assess environmental impacts and change. This addition to the provincial park will become part of the 'nature reserve zone 6' within the park due to the life science values present. Nature reserve zoning is the most restrictive type of zoning in Ontario Parks' framework in terms of developments and infrastructure. No encroachment of any kind should be made on park lands or lands acquired for regulation.
- ii. No assessment has been undertaken for groundwater quality or quantity. Groundwater supplies may not be adequate to support the use of individual private wells. Should wells be considered as drinking water sources, they must be constructed in accordance with Regulation 903 – Wells, under the Ontario Water Resources Act.
 - iii. The water from Lake Superior should not be used for human consumption unless it is disinfected and/or treated to meet the Ontario Drinking Water Quality Standards.
 - iv. 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 (MECP). The Northwestern 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.
 - v. Domestic waste be appropriately handled and disposed of at an approved waste disposal facility.
 - vi. Class V sewage systems (Holding Tanks) are no longer permitted. The Thunder Bay District Health Unit has inspected the property and has indicated that both proposed new lots can be serviced by class 4 sewage treatment systems. The importation of a minimum of 1.67 metres of clean sand will likely be required for the construction/ installation of class 4 sewage systems.
 - vii. Best Management Practices are encouraged as follows:
 - adequate setback distances to hardened surfaces and septic systems should be at least 30m for buildings such as cottages and garages/shed, and greater than 30m for sewage/septic systems.
 - ensuring water wells are up gradient from all potentially contaminating sources including those on adjacent lots;
 - avoid septic starters, empty the septic tank every 3 to 5 years, reduce water use and consideration of peat-based systems;
 - use grassed swales and/or vegetated filter strips on lots that require ditching to control runoff;
 - direct roof leaders and/or sump pump foundation drains to rear yard ponding areas, soakaway pits, infiltration trenches or rain barrels as appropriate;
 - limit and avoid where possible the creation of impervious surfaces such as roofs, patios and paving stone walkways. The use of crushed rock is encouraged to

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- promote infiltration and minimize channelized flow and erosion;
• design landscapes to slow stormwater and increase the time stormwater stays onsite;

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. 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.
2. 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.
3. If development on the lot could impact species at risk or their habitat, then the person undertaking those activities would need to determine if an ESA authorization is required before the activities are undertaken. The applicant should visit "How to avoid authorization" and "Permit types" (<https://www.ontario.ca/page/how-get-endangered-species-act-permit-or-authorization>) for more information. A person carrying out an activity may also wish to consult the Act and seek legal advice to understand its legal obligations. Should any development occur on the severed lots in question **then a SAR impact assessment may be required** to avoid any contravention to sections 9 or 10 of the ESA.
4. For additional information or inquiries regarding the Ontario Wetland Evaluation or Natural Heritage Site Assessment, please contact Jeff Black, Management Biologist, at jeff.black@ontario.ca or 807-708-4837.
5. 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

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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. 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 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.
7. MTO has no objection to the proposal, providing the access to the 1.31 hectare severed parcel will have its direct access to the public road. MTO will not permit direct highway access from the severed parcel anywhere along Highway 587 frontage.

In accordance with the Public Transportation and Highway Improvement Act (PTHIA), Entrance Permits are required for any entrance onto a provincial highway. Any change of property ownership, property description, entrance/land use or of entrance construction requires a new entrance permit. Entrance Permits do not run with the land. Where a property has frontage along a highway and along a public road, the Highway Access Management Guideline (HAMG) policy requires the property to access the public road and no direct access to the highway is permitted.

The PTHIA requires MTO Building and Land Use Permits be obtained for any development/construction occurring within 45 metres of the property limit of a provincial highway or within 180 metres of the centre point of an intersection between a public sideroad with a highway. All permits are required prior to any development/construction taking place.

All permits are required prior to any development/construction taking place. MTO permits are in addition to Municipal permit requirements. Ministry of Transportation permit control area and permit requirements can be found on the ministry web site, www.mto.gov.on.ca/english/highway-bridges/highway-corridor-management/index.shtml. On-line permit applications are accessed by a link, or can be found directly at web site, www.hcms.mto.gov.on.ca. Permit information and application assistance can also be obtained by contacting Randy Dykstra, Corridor Management Officer, at email randall.dykstra@ontario.ca.

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8. 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, except as they relate to the location and construction of septic systems.

Inquiries about the Building Code Construction Standards should be made to:

Buildings and Development Branch
Ministry of Municipal Affairs and Housing
17th Floor, 777 Bay Street
Toronto, ON M7A 2J3
Telephone: (416) 585-6666
codeinfo@ontario.ca

9. It is the applicant's and/or agent's responsibility to fulfill the conditions of consent approval within **two years 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 two-year period.**

If the conditions to consent approval are not fulfilled within two years 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

Identified Unevaluated Wetland Area

