

**Applicant:** Leona Wall  
**File No.:** 60-C-217403  
**Municipality/Twp:** Unincorporated Territory, Cliff Lake, District of Kenora  
**Subject Lands:** Cliff Lake, PIN 42180-0835; Pcl 1478 DPF (main property) & Part 1, 20117 Reserve (shoreline property); Location CL4748, Summer Resort Location RFD 26, Plan 23R-6820

**Date of Decision:** September 28, 2022  
**Date of Notice:** September 28, 2022  
**Last Date of Appeal:** October 18, 2022

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# NOTICE OF DECISION

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

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On the above noted date, the Minister of Municipal Affairs and Housing (MMAH) gave a provisional consent to Application No. **60-C-217403** for the creation of a new lot for resource-based recreational use in respect of the land described as PIN 42180-0835, Pcl 1478 DPF (main property) & Part 1, 20117 Reserve (shoreline property); Location CL4748, Summer Resort Location RFD 26, Plan 23R-6820 on Cliff Lake, in unincorporated territory, in the District of Kenora. 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: 2c, 3, 4, 5.

### 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



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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.

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No. Conditions

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1. That this approval applies to the creation of one new resource-based recreational lot of approximately 1 hectare in size, as modified and shown on Appendix A to this decision, in the above-noted location on Cliff Lake, in unsurveyed territory, in the District of Kenora.
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. **The survey shall show frontages of a minimum of 46 metres as outlined in the Crown Land Use Policy Atlas report G2551 recommended for both the severed and retained parcels.**
3. That prior to final approval, this Ministry must receive a letter from the Northwestern Health Unit (NWHU) which states that both the severed and retained parcels have been inspected by the NWHU and are suitable for the installation of a subsurface sewage system or that the existing systems meet their requirements.
4. That prior to final approval, a letter is received from the holder of an approved septage disposal facility referencing the disposal facility and related Environmental Compliance Approval (ECA) confirming that the disposal facility has sufficient reserve capacity to accept hauled sewage from the lots.
5. That prior to final approval, and pursuant to subsections 53(12) and 51(25) and 51(26) or (27) of the *Planning Act*, the applicants shall enter into a Consent Agreement for both the severed and retained lots, as shown on Appendix A, with the Ministry of Municipal Affairs and Housing (MMAH), to its satisfaction, addressing the use and potential development of the lots, including:

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- a. The lots can only be used for resource-based recreational purposes (including a resource-based recreational dwelling) and is not to be used for permanent residential use;
- b. Prior to any development, site alteration or ground disturbing activities, an archaeological assessment shall be completed by an archaeologist licensed under the Ontario Heritage Act, and related archaeological reporting shall be entered into the Ontario Public Register of Archaeological Reports. Recommendations from archaeological assessment(s) must be followed.
- c. Certain standard and site-specific requirements and notification provisions be identified, including those in Schedule 1 to this Notice of Decision.
- e. 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
- f. Provisions relating to the enforcement of the Consent Agreement.

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. 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:

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Buildings and Development Branch  
Ministry of Municipal Affairs and Housing  
17th Floor, 777 Bay St.  
Toronto, ON M5G 2E5  
Telephone: (416) 585-6666  
[codeinfo@ontario.ca](mailto:codeinfo@ontario.ca)

3. The following information on fire safety is attached:
  - An open letter from the MNR to owners of property within a forested area
  - FireSmart Landscaping
  - FireSmart Manual
4. It is unlikely that additional severances from the severed or retained property will be supported by this Ministry.
5. Owners and prospective buyers should contact the Northwestern 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 Northwestern Health Unit. The Health Unit can also provide information on construction requirements, including minimum distances required between sewage systems and sources of potable water.
6. Please notify the Ministry of Tourism, Culture and Sport (MTCS) (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, MTCS 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.

7. 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

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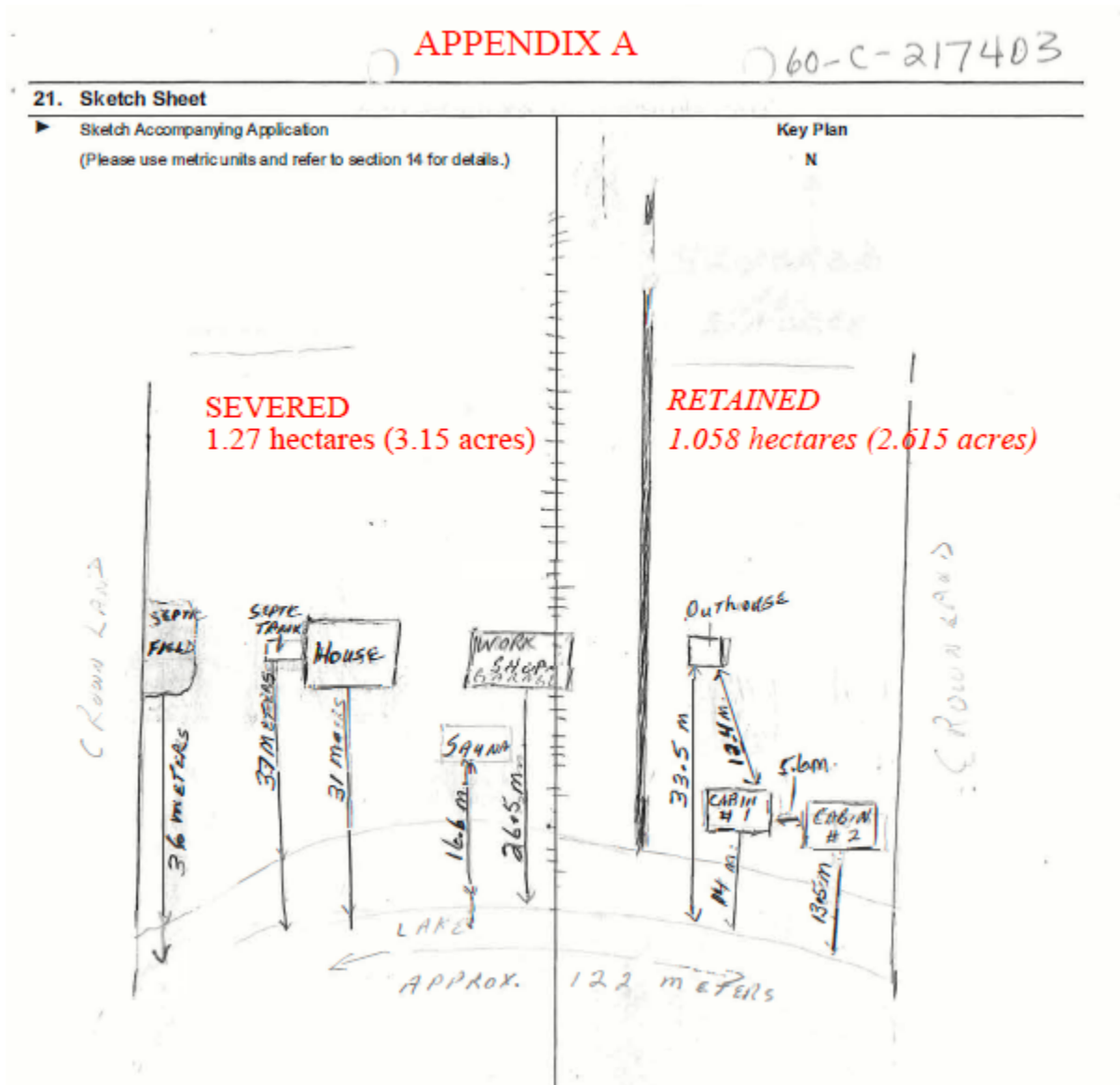
demonstrate that there is an adequate quantity of groundwater available to meet the requirements of the residence without interference to adjacent properties.

8. 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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## **SCHEDULE 1**

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

- a) 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 road for access may need to assume costs and responsibility for upkeep and maintenance of the Crown access road. Road construction beyond the minor maintenance activities outlined at the link below, on Crown land may require a work permit from the Ministry of Natural Resources and Forestry.  
<https://www.ontario.ca/page/crown-land-work-permits#section-1>
- b) 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 this source of water be used in future.
- c) Should wells be considered as drinking water sources, they must be constructed in accordance with Regulation 903 - Wells, under the Ontario Water Resources Act.
- d) The water of Cliff 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.
- e) Small private sewage disposal facilities which have a daily sewage flow of 10,000 litres or less per day must be certified by the Northwestern 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 Northwestern 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.
- f) Domestic waste must be appropriately handled and disposed of at an approved waste disposal facility.
- g) 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](mailto:SAROntario@ontario.ca)) in the case where there is a potential to impact species at risk or their habitat.

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- 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.
- h) 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. It is recommended that sewage systems be located where native soils are deepest, and at the furthest distance possible from the shoreline.

Landowners are to have regard to the following key management techniques for development adjacent to lakes:

- i) Identify and avoid sensitive features in designing lot layouts
- ii) 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
- iii) Directing sump pump foundation drains to rear ponding areas and infiltration trenches
- iv) Preserve a substantial buffer of riparian vegetation (a min of 30 metres) along the lakeshore to limit soil erosion, encourage evapotranspiration and reduce stormwater runoff (see attached fact sheet)
- v) Use proven technologies to control drainage and runoff from roof leaders, foundation drains and areas where ditching is required
- vi) Maximize setback distances of septic system from lakes to ensure the greatest benefit of soils to retain excess phosphorus; consider the use of technologies for the abatement of septic phosphorus loading which have been demonstrated to be effective over the long-term.
- i) Public participation in the Lake Partner Program is encouraged to assist in understanding the health of Ontario’s lakes. For more information on the Lake Partner Program, please see the attached fact sheet.
- j) 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 Endangered Species Act (ESA) authorization is required before the activities are undertaken. Please visit



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“How to avoid authorization” and “Permit types” (<https://www.ontario.ca/page/how-get-endangered-species-act-permit-or-authorization>) for more information.

In the case where there is a potential to impact species at risk or their habitat, determine whether any protected species at risk or their habitat exist, or are likely to exist, within or near your activity location. Then determine whether your activity is likely to contravene the prohibitions in sections 9 or 10 of the ESA. A person carrying out an activity may also wish to consult the Act and seek legal advice to understand its legal obligations. If you think you need a permit you should: complete an Information Gathering Form and submit the form by email to [SAROntario@ontario.ca](mailto:SAROntario@ontario.ca).

- k) 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, 17<sup>th</sup> Floor, 777 Bay Street, Toronto, ON M7A 2J3. PH: (416) 585-6666; [codeinfo@ontario.ca](mailto:codeinfo@ontario.ca)