

Owner/Agent: Kimberly Krutz and Kenneth Benard
And Vanessa Smith, TULLOCH
Engineering

Date of Decision: October 12, 2022

File Number: 52-C-207616

Date of Notice: October 7, 2022

**Municipality /
Township:** Cascaden unincorporated township,
Sudbury District

Last Date of Appeal: October 27, 2022

Location: An island on Ministic Lake, PIN 73355-0122, Cascaden unincorporated township,
District of Sudbury

NOTICE OF DECISION

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

On October 7th, 2022 the Minister of Municipal Affairs and Housing gave a provisional consent to Application No. 52-C-207616 in respect of land in Cascaden unincorporated township, District of Sudbury. 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 Jameson Pearson, 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 Jameson Pearson, Assistant Planner at Jameson.pearson@ontario.ca or 705-561-5340 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: Jameson Pearson, Assistant Planner
Telephone: (705) 561-5340
Fax: (705) 564-6863



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

Attached:

- Criteria for Evaluating Potential for Built Heritage Resources and Cultural Heritage Landscapes checklist
- Stormwater Best Management Practices for Camp Owners in Northeastern Ontario
- Blue Green Algae Fact Sheet
- Species at Risk Proponents Guide to Preliminary Screening

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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 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 permit the separation of two existing seasonal dwellings by severing one new lot approximately 1.2 hectares in size, as described in the above-noted application and identified as Part 2 on Schedule A attached hereto and forming part of the decision, for the purposes of seasonal residential 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 all 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 parcels 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, the ministry must be provided written confirmation from the Sudbury District Health Unit that the retained and severed lands have been inspected and are suitable for the installation of a subsurface sewage system and that any existing systems meet their requirements.
5. That prior to final approval, the ministry must be provided written confirmation of adequate capacity to dispose of hauled sewage generated by the proposed lot. This written confirmation should take the form of a letter 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 the new lot.

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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 two years 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 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.

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 available 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*.

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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*.

5. The attached document 'Stormwater Best Management Practices for Camp Owners in Northeastern Ontario' outlines practices that can assist in maintaining or improving lake water quality from lot development. MECP recommends that waterfront property owners implement best management practices when planning, designing and constructing new development on the subject property.
6. Please be advised of the following:
 - 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.
 - Should wells be considered as drinking water sources, they must be constructed in accordance with Regulation 903 – Wells, under the *Ontario Water Resources Act*.
 - Waters from Ministic 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*.
 - Small private sewage disposal facilities which have a daily sewage flow of 10,000 litres or less per day must be certified by the Timiskaming 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 Sudbury Public 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.
 - Domestic waste must be appropriately handled and disposed of at an **approved** waste disposal facility.
7. Since surface water may be used as a water source, MECP recommends that the attached 'Blue-Green Algae Fact Sheet' is reviewed. The fact sheet is intended to assist in understanding the risks of drawing lake water (risk of algae blooms), instead of well water, for private water supply.

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8. In the future, if development activities on the lots could pose a risk to any species at risk or their habitat, the Endangered Species Act may be triggered. Such development activities may require a species at risk authorization. If a species at risk authorization may be necessary in future, MECP recommends that proponents contact SAR@ontario.ca.
9. MNRF indicated that the issuance of a Land Use Permit for a new dock will not be permitted to support access to the new lot. Current regulations under the Public Lands Act do not support the authorization of new docking sites for residential and recreational use. However, water lot property owners can still use public launch sites to access their properties on Ministic Lake or approach existing dock owners to discuss the possibility of shared use.

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Schedule A

