

**Owner/Agent:** J.F.T. Developments Ltd. and  
2716906 Ontario Inc. / Jack  
Jamieson, J.F.T. Developments Ltd.

**Date of Decision:** December 19, 2022

**File Number:** 54-C-224406

**Date of Notice:** December 19, 2022

**Municipality /  
Township:** Tudhope unincorporated township,  
Timiskaming District

**Last Date of Appeal:** January 8, 2023

**Location:** Part of Lot 10, Concession 1, part of PIN 61301-0035, Tudhope unincorporated  
township, District of Timiskaming

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## **NOTICE OF DECISION**

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

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On December 19, 2022, the Minister of Municipal Affairs and Housing gave a provisional consent to Application No. 54-C-224406 in respect of land in Tudhope unincorporated township, District of Timiskaming. A copy of the decision is attached.

#### **Who Has Appeal Rights**

Other than the applicant, only a “specified person” or “public body”, as defined in s. 1(1) of the *Planning Act*, has the ability to appeal the decision to the Ontario Land Tribunal.

#### **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 Caitlin Carmichael, 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.

#### **What Name Can a Notice of Appeal be Filed in**

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**

No written or oral submissions were received in relation to this application.

#### **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

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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**

54-C-224307 and 54-C-224505

### **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 (Sudbury),  
401-159 Cedar Street  
Sudbury, ON P3E 6A5

Attention: Caitlin Carmichael, Planner  
Telephone: (705) 564-6845



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

Attached:

- Stormwater Best Management Practices for Camp Owners in Northeastern Ontario

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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.

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#### **No. Conditions**

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1. That this approval applies to permit the creation of one new lot approximately 9.5 hectares in size, as described in the above-noted application and identified on Schedule A attached hereto and forming part of the decision, for the purposes of resource-based recreational 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 for the purposes of an easement, 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 easement 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, 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, addressing the use and potential development of the new lot, including:
  - a. the new lot can only be used for resource-based recreational uses and is not to be used for permanent residential or commercial use;
  - 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,

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- c. provisions relating to the enforcement of the Consent Agreement.
5. That prior to final approval an archaeological assessment of the subject property shall be undertaken by an archaeologist licensed under the *Ontario Heritage Act*, who will submit the report directly to the Ministry of Citizenship and Multiculturalism (MCM) for review as per the terms and conditions of their license. The proponent shall undertake to complete any recommendations of the assessment, including but not limited to, any further study required. Prior to final approval, MMAH must be advised in writing by MCM that the assessment was accepted and that MCM is satisfied no further assessment is required. See Note #5 for more information.
  6. That prior to final approval, the ministry must be provided written confirmation from the Timiskaming Health Unit that the proposed lot has been inspected and is suitable for the installation of a subsurface sewage system and that any existing systems meet their requirements.
  7. 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.
  8. That prior to final approval, the ministry must be provided with confirmation from the Ontario Ministry of Transportation (MTO) that that upon registration of the transfer, that MTO will be willing to grant an entrance permit for the existing entrance. Please see note 4 for further information.
  9. That prior to final approval, a Noise Impact Feasibility Study shall be undertaken that assesses noise impacts from Highway 65. The study should follow the requirements of the Ministry of Environment, Conservation and Park's "Environmental Noise Guideline: Stationary and Transportation Sources Approval and Planning. Publication NPC-300". Noise studies should be prepared by a qualified professional.

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Schedule A



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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 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 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.

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 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).

4. The subject property is within the Ministry of Transportation (MTO) permit control area. Please note the following requirements:
  - MTO Entrance permits are required prior to construction of new entrances and/or for any change in ownership in use of lands or entrance(s).
  - MTO entrance permits will also be required for the existing entrances on lot 2 and the retained lands in order to legally register them.
  - Any new entrances on lots 1 and 3 must be placed a minimum of 30 meters from any adjacent entrances.

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- Any proposed building/structure on the proposed new lot within 45 meters of MTO right-of-way will require a building and land use permit.
  - 0.3 metre reserve for access control will no longer be required for the proposed scope of severances.
5. Per condition 5, an archaeological assessment is required. Further information on archaeological assessments, including a list of licensed archaeologists in Ontario, can be found on MCM's website:
- [http://www.mtc.gov.on.ca/en/archaeology/licensed\\_archaeologists.shtml](http://www.mtc.gov.on.ca/en/archaeology/licensed_archaeologists.shtml)
  - [http://www.mtc.gov.on.ca/en/archaeology/archaeology\\_assessments.shtml](http://www.mtc.gov.on.ca/en/archaeology/archaeology_assessments.shtml)
6. Please notify the Ministry of Citizenship and Multiculturalism (MCM) [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, MCM 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. The attached document 'Stormwater Best Management Practices for Camp Owners in Northeastern Ontario' outlines practices that can assist in maintaining or improving water quality from lot development. MECP recommends that property owners implement best management practices when planning, designing and constructing new development on the subject property.
8. 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*.

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- Water from any water bodies on or near the lot 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 Timiskaming 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.
9. 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](mailto:SAR@ontario.ca).
10. The subject lands are located in an area with some potential for wildland fire. For information on enacting fire safe strategies please visit the following link: <https://www.ontario.ca/page/firesmart>
11. Council of the Township of James has communicated their opposition to the use of their municipal landfill by the subject lands. Domestic waste should be disposed of at the Cane Township Waste Disposal Site, located off of Cane Road 4 in Cane unincorporated township.