

Applicant: Coral-Lea & Mark Klein
File No.: 58-C-224688
Municipality/Twp: Unincorporated Township of Upsala, District of Thunder Bay
Subject Lands: **PIN 62345-0254**, CON 1, Part of Broken Lot 12, Plan 55M-632; Unincorporated Township of Upsala, District of Thunder Bay

Date of Decision: January 5, 2023
Date of Notice: January 5, 2023
Last Date of Appeal: January 25, 2023

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 gave provisional consent for a new lot to **Application No. 58-C-224688** in respect of land in the unincorporated Township of Upsala in the District of Thunder Bay. 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 Chelsea Flegel, 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.

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.

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-225515

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: Chelsea Flegel, Planner
Telephone: (807) 630-8442



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 (2) 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 permit the creation of a new lot of 1.01 hectares (New lot 1), for resource-based recreational purposes while 32.34 hectares would be retained, as applied for, in the above noted location in the Unincorporated Township of Upsala, 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; 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; and/or a legal description of the lands to be severed which is acceptable to the land registrar.
3. 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 severed lot, including:
 - a. The lot can only be used for resource-based recreational uses (including a recreational dwelling) and is not to be used for permanent residential or commercial uses;
 - b. No further severances will be permitted on the lot;
 - c. 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,
 - d. provisions relating to the enforcement of the Consent Agreement.
4. That prior to final approval, the Ministry must be advised by the Thunder Bay District Health Unit that the retained lands; and the severed lands, have been inspected and are suitable for the installation of a subsurface sewage system.

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5. That prior to final approval, the Ministry receives written confirmation of adequate capacity to dispose of hauled sewage generated by the new lot, in 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 any additional hauled sewage from the new lot.
6. That prior to final approval a letter from the Upsala Local Roads Board is provided that indicates that the extension of Kwasny Drive has been brought up to roads board standard and voted into the Upsala Local Roads Board system or proposed new lot 1 is extended to include the road, and an easement is registered for proposed new lot 2 for road access. See Note #4 for further information.
7. 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 clause:
 - a. No assessment has been undertaken for groundwater quality of quantity. Groundwater supplies may not be adequate to support the use of individual private wells, should this source of water be used in the future on the proposed retained or severed lots.
 - b. Should wells be considered as drinking water sources, they must be constructed in accordance with Regulation 903 – Wells, under the Ontario Water Resources Act.
 - c. Water from any water bodies 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.
 - d. 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 Thunder Bay District 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.
 - e. Domestic waste must be appropriately handled and disposed of at an approved waste disposal facility.
 - f. 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.
 - g. Other Best Management Practices include maintaining vegetation along the shoreline and elsewhere on the site, appropriate site design (e.g. minimum 30 metre non-development zone adjacent to the shoreline), and construction

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mitigation. Measures such as avoiding septic starters, pumping out septic tanks every three to five years, and reducing water use also help protect water quality. The attached fact sheet provides further information. Additional resources regarding Best Management Practices are listed in Appendix B of the Lakeshore Capacity Assessment Handbook, 2010, available at: <http://www.ontario.ca/environment-and-energy/lakeshore-capacity-assessment-handbook-protecting-water-quality-inland-lakes>.

8. As the lands may contain archaeological resources, an archaeological assessment of the subject property was submitted to the Ministry of Citizenship and Multiculturalism (MCM) for review. Prior to final approval, confirmation from MCM is required that the report is compliant with requirements and has been entered into the Ontario Public Register of Archaeological Reports.

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:

Ontario's Building Code
Ministry of Municipal Affairs and Housing
777 Bay St.
Toronto, ON M5G 2E5
Telephone: (416) 585-7000

3. No further severances shall be permitted on either the severed or the retained lands.
4. For more information on adding Kwasny Drive to the Local Roads Board system,

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contact John McClelland, MTO Regional Operations Officer at (807) 473-2137. The road must be voted into the Local Roads Area and be brought to roads board standards at the expense of the landowners. That vote is open to all landowners in the LRB area.

5. Approval must be obtained from the local 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 Thunder Bay District 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. 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. Please notify the Ministry of Citizenship and Multiculturalism (MCM) (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.
8. 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.
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(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.