

<b>Applicants:</b>	<b>Klass and Linda Friesen</b>	<b>Date of Decision:</b>	<b>March 7, 2023</b>
<b>File No.:</b>	<b>60-C-213247</b>	<b>Date of Notice:</b>	<b>March 7, 2023</b>
<b>Municipality/Twp:</b>	<b>Unincorporated Township of Mutrie, District of Kenora</b>	<b>Last Date of Appeal:</b>	<b>March 27, 2023</b>
<b>Subject Lands:</b>	<b>PINs 420720022 &amp; 420720289, Con 4 PT Lots 5 &amp; 6 PCL 41513 Registered Plan Number 23R-12234 Parts 1 to 6, and Con 4 PT S1/2 Lot 6 Registered Plan Number 23R7129 Parts 1 to 8 PCL 37561, 265 Benham Road</b>		

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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-213247** for the creation of a new lot for rural residential and agricultural use in respect of the land described as PIN 42072-0022 and PIN 42072-0289 in the unincorporated Township of Mutrie, in the District of Kenora. 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 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.

### 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

There were no written or oral submissions for 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 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 rural residential and agricultural lot of approximately 226.6 hectares in size, in the above-noted location, in the unincorporated Township of Mutrie, 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; 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 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 both the severed and retained lots.
4. 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. That 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.
  - 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. 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,

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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.

- d. Domestic waste must be appropriately handled and disposed of at an approved waste disposal facility.
- e. No new access is being proposed; however, if an entrance is required for the severed lot at some point in the future, the Ministry of Transportation (MTO) consults and advises on entrance construction to Local Road Board roads. The property owner of the severed parcel should be advised to contact Jeff Rose, Senior Municipal Supervisor, Operational Services, MTO at (807) 468-2763 prior to installing/constructing, making modifications to, or relocating entrances.
- f. In Ontario's rural agricultural areas, the Provincial Policy Statement, 2020, and other provincial land use plans require that new land uses, including the creation of lots and new or expanding livestock facilities, comply with the Minimum Distance Separation (MDS) formulae and guidelines.

The MDS formulae and guidelines are land use planning tools that determine setback distances between livestock barns, manure storages or anaerobic digesters and surrounding land uses, with the objective of minimizing land use conflicts and nuisance complaints related to odour.

If a new dwelling is proposed on the severed lot, the owner should refer to MDS Document to ensure the minimum distance separation to the new dwelling can be met. <https://www.ontario.ca/page/minimum-distance-separation-mds-formulae>

- 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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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.

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.

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:

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. It is unlikely that additional severances from the severed or retained property will be supported by this Ministry.
4. 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

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provide information on construction requirements, including minimum distances required between sewage systems and sources of potable water.

5. Please notify the Ministry of Citizenship and Multiculturalism (MCM) (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, 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.

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. 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.