

Owner/Agent: Christina Amyotte and Jacques Amyotte

Date of Decision: March 16, 2023

File Number: 54-C-212366

Date of Notice: March 16, 2023

Municipality / Township: Ingram unincorporated township, Timiskaming District

Last Date of Appeal: April 5, 2023

Location: PIN 61273-0089, Part Lot 5, Concession 3; Ingram unincorporated township, Timiskaming District, 953618 Highway 569.

NOTICE OF DECISION

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

On March 16, 2023, the Minister of Municipal Affairs and Housing gave a provisional consent to Application No. 54-C-212366 in respect of land in Ingram 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 Megan Grant, Team Lead, 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 provisional consent if you make a written request to be notified of changes to the conditions of approval of the provisional consent.

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Other Related Applications

NA

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: Megan Grant, Team Lead

Telephone: (705) 507-0572



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

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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 creation of one new lot approximately 54.71 hectares in size with frontage on Highway 569 and Cemetery Road, as described in the above-noted application and identified on Schedule A attached hereto and forming part of the decision, for the purposes of agricultural 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 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 Consent Agreements with the Ministry of Municipal Affairs and Housing, to its satisfaction, addressing the use and potential development of the severed and retained lots, including:
 - a. the severed lot can only be used for agricultural uses and is not to be used for 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,
 - c. provisions relating to the enforcement of the Consent Agreement.

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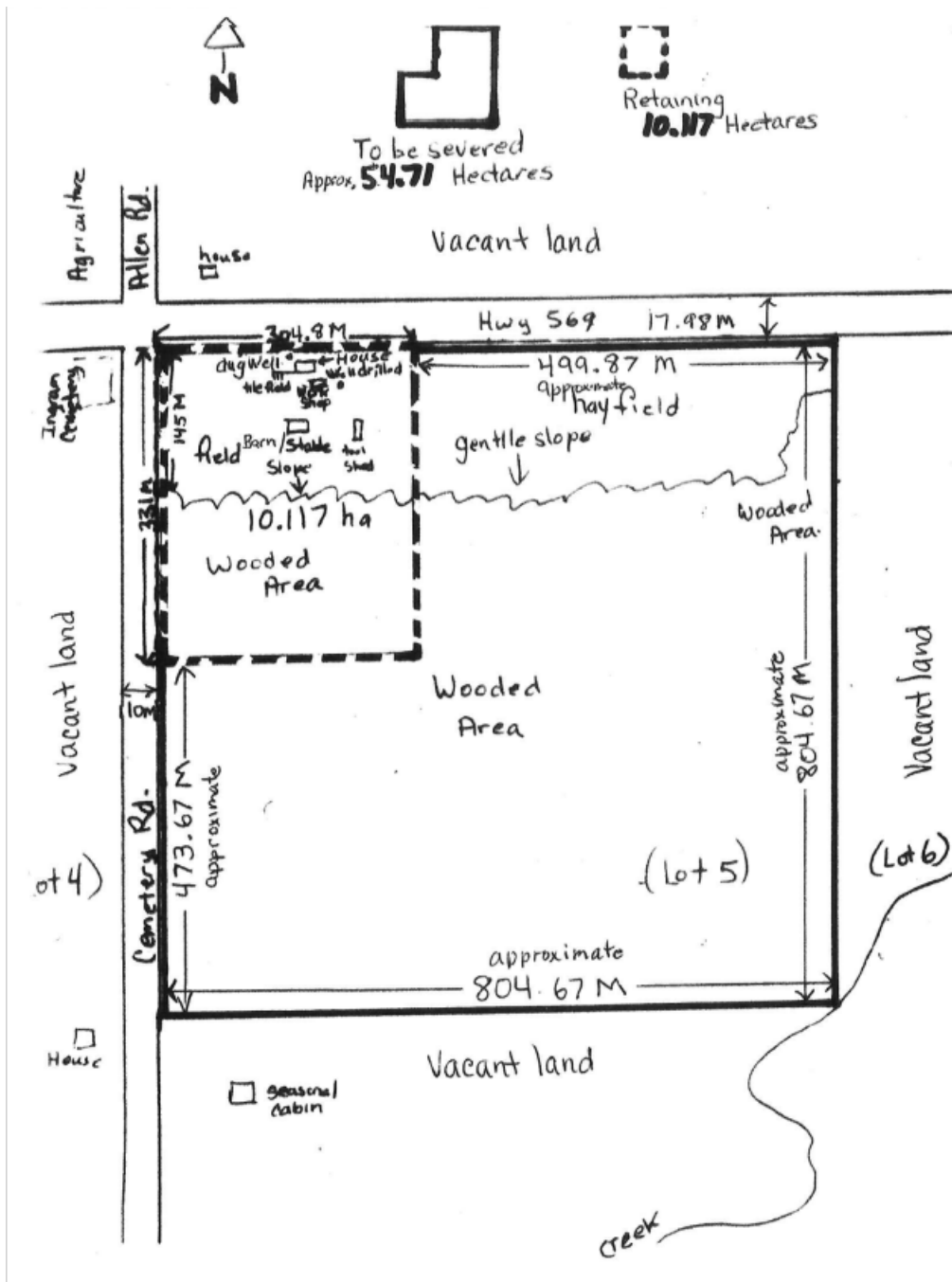
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Schedule A – Severed Lands



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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 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.

4. Please notify the Ministry Citizenship and Multiculturalism (MCM) 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

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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*.

5. 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*.
 - 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.

6. 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.

7. 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>.

8. The Ministry of Transportation notes that the severed and retained lands both front onto Highway 569, and as such are in within MTO's permit control area. As such:

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- a. Placement of any new buildings or structures on either lot within 45 metres of the Highway 569 right-of-way or 185 metres of the centre-point of the Highway 569/Cemetery Road intersection will require an MTO building/land use permit.
- b. A residential entrance permit is in place for the retained lot. No new accesses will be permitted on this lot.
- c. Any agricultural entrance from Highway 569 to the severed lot will require an MTO permit. All permit applications can be made online at <https://www.hcms.mto.gov.on.ca/>
- d. Any future development on the severed lands must be accessed from Cemetery Road.