

**Applicant:** Leslie, Jim & Sharon Galloway  
**File No.:** 60-C-216216  
**Municipality/Twp:** Geographic township of Kirkup  
**Subject Lands:** PIN 42125-0790; Part 2, Plan 23R-8387;  
Lots 4 & 5, 23M-369, PIN 42125-0028  
Unincorporated Township of Kirkup,  
District of Kenora.

**Date of Decision:** May 3, 2023  
**Date of Notice:** May 3, 2023  
**Last Date of Appeal:** May 23, 2023

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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 gave provisional consent for a lot addition to **Application No 60-C-216216** in respect of land in the geographic township of Kirkup 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.

### 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.

### Effect of Written and Oral Submissions

Comments were reviewed and considered.

### 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 permit the severance of 0.20 hectares from PIN 42125-0790; Part 2, 23R-8387 as a lot addition to Lot 5 on Plan M369 as applied for, in the above noted location in geographic township of Kirkup 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 which is acceptable to the land registrar.
3. That prior to final approval, an application to consolidate the severed portion of PIN 42125-0790; Part 2, 23R-8387, with Lot 5, Plan M-369 be prepared and an undertaking from the person registering the documents shall be required agreeing to register the consolidations once the land transfers have been registered.
4. That prior to final approval, an application to consolidate the retained portion of PIN 42125-0790; Part 2, 23R-8387 with Lot 4, Plan M-369 be prepared and an undertaking from the person registering the documents shall be required agreeing to register the consolidations once the land transfers have been registered.
5. That prior to final approval, the Ministry must be advised by the Northwestern Health Unit that the retained lands, together with Lot 4, Plan M-369; and the severed lands, together with Lot 5, Plan M-369 have been inspected and are suitable for the installation of a subsurface sewage system or that the existing systems meet their requirements.
6. That prior to final approval, this Ministry is to be provided written confirmation of adequate capacity to dispose of hauled sewage generated by the severed and retained lands. 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, referencing the disposal facility and the related Ministry of the Environment, Conservation and Parks

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(MECP) approval, and confirming that the disposal facility has sufficient reserve capacity to accept hauled sewage from the proposed lots.

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. That Prospective buyers or transferees be notified by the property owners that the Province of Ontario does not guarantee road access to the property and that private owners who rely on the private road for access may need to assume costs and responsibility for upkeep and maintenance of the roadway.
  - b. 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.
  - c. Should wells be considered as drinking water sources, they must be constructed in accordance with Regulation 903 - Wells, under the Ontario Water Resources Act.
  - d. The water of the Lake of the Woods 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.
  - e. 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.
  - f. The landowners shall implement best management practices to prevent localized increase in phosphorous, algae and weeds along the shoreline. Several best management practices should be considered to protect local water quality including minimizing stormwater volumes and contaminant loads. Examples include:
    - Avoid developing next to the shoreline for a minimum of 30 metres and maintaining vegetation along the shore and around the property;
    - Use grassed swales and/or vegetated filter strips on lots that require ditching to control runoff;
    - Direct roof leaders to rear yard ponding areas, soakaway pits or rain barrels;
    - Direct sump pump foundation drains to rear ponding areas and infiltration trenches; and
    - Locate sewage systems as far as possible from the shoreline where native soils are deepest, with any drinking water wells remaining up gradient.

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The attached fact sheet provides additional information. Additional resources are also 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>.

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. 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 Northwestern Health Unit. The Health Unit can also provide information on construction requirements, including minimum distances required between sewage systems and sources of potable water.
4. 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

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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.

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. 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.