

Applicant: Peter & Roberta Shumka
File No.: 60-C-224396
Municipality/Twp: Unincorporated Township of Kirkup, in the District of Kenora
Subject Lands: PIN 42125-0066 Pcl. 33945 Sec Dkf Sro; Pt Location Rk1063 Kirkup; Pt Blk E PI M378 Pt 1 23R5343; District Of Kenora.
PIN 42125-0067 (LT) Pcl. 33946 Sec Dkf Sro; Pt Location Rk1063 Kirkup; Pt Blk E PI M378 Pt 2 23R5343; District of Kenora

Date of Decision: June 15th, 2023
Date of Notice: June 15th, 2023
Last Date of Appeal: July 5th, 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 (MMAH) gave a provisional consent to Application No. **60-C-224396** to sever a shoreline allowance in respect of the land described as PIN 42125-0066 from PIN 42125-0067 and consolidate both the severed and retained portions to two abutting plan of subdivision lots described as Lot 14, M-367 & Lot 15, M-367 in the Unincorporated 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 Jamie Kirychuk, 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: Jamie Kirychuk, Planner
Telephone: (807) 473-3135



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.

No. Conditions

1. That this approval applies to sever a portion of shoreline allowance described as Part 1 Plan 23R5343 from Part 2 Plan 23R5343 and consolidate both the severed and retained portions to two abutting plan of subdivision lots described as Lot 14, M-367 & Lot 15, M-367 as applied for, in the above noted location in the Unincorporated 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 the application to consolidate the parcels 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, this Ministry is to be provided written confirmation of adequate capacity to dispose of hauled sewage generated by Lot 14, M-367 & Lot 15, M-367. 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 (MECP) approval, and confirming that the disposal facility has sufficient reserve capacity to accept hauled sewage from the severed and retained lands.
5. That prior to final approval, The Ministry is to be advised by a local Marina confirming that both Lot 14, M-367 & Lot 15, M-367 will have mainland parking and docking.

The following NOTES are for your information:

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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 Street
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. 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, 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 1 (pit privy) sewage systems.
5. Domestic waste must be appropriately handled and disposed of at an approved waste disposal facility.
6. Because this consent application is for a lot addition, subsection (3) or (5) of Section

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50 of the Planning Act, R.S.O. 1990, shall apply, to any subsequent conveyance or transaction. This will be set out in the Certificate of the Transfer/Deed of Land form upon endorsement by the Minister.

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(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 & Housing a minimum of one month prior to the lapsing date.