

Applicants:	Susan Simpson, Jeffrey Keegan, Shirley Greaves	Date of Decision:	August 30, 2023
File No.:	58-C-215736	Date of Notice:	August 30, 2023
Municipality/Twp:	Unincorporated Township of Jacques, District of Thunder Bay	Last Date of Appeal:	September 19, 2023
Subject Lands:	PIN 62327-0328 (LT), Parts 1-4 & PIN 62327-0329 (LT), Parts 5-10; Summer Resort Location PP 664, Plan M-99, 55R-13281; locally known as 285 Two Island Lake Road		

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, as modified and shown on Appendix A to this decision, for a new lot to **Application No. 58-C-215736** in respect of land in the unincorporated Township of Jacques, with frontage on Island Lake and Two Island Lake, 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 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

One letter was received and comments were 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



Victoria Kosny, Manager
Community Planning and Development

Applicants:	Susan Simpson, Jeffrey Keegan, Shirley Greaves	Date of Decision:	August 30, 2023
File No.:	58-C-215736	Date of Notice:	August 30, 2023
Municipality/Twp:	Unincorporated Township of Jacques, District of Thunder Bay	Last Date of Appeal:	September 19, 2023
Subject Lands:	PIN 62327-0328 (LT), Parts 1-4 & PIN 62327-0329 (LT), Parts 5-10; Summer Resort Location PP 664, Plan M-99, 55R-13281; locally known as 285 Two Island Lake Road		

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 permit the severance of approximately 0.75 hectares from PINs 62327-0328 and 62327-0329, as modified and shown on Appendix A to this decision, in the above noted location in the unincorporated Township of Jacques, 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.
 - d. The new survey line on Part 5 should be located 40 metres back from the Two Island Lake surveyed shoreline.
3. That the applicants shall cause a restriction to be registered on Parts 1, 4, part 5B and 10 (parts of retained lot), as shown on Appendix A and forming part of this Decision, in wording acceptable to the Ministry of Municipal Affairs and Housing, having the effect that:
 - i. The natural buffer of shoreline vegetation will not be disturbed up to the 40-metre mark from the shoreline of Two Island Lake; and
 - ii. No docks or buildings or shoreline structures shall be constructed up to the 40-metres mark from the shoreline of Two Island Lake.
4. The applicants or their solicitor shall give an undertaking that, upon any subsequent sale or transfer of Parts 1, 4, part 5B and 10, identified hereto as Appendix A, it shall be a requirement of the sale or transfer that each successor in title shall acknowledge and agree to be bound by the restriction registered in accordance with condition 3, for themselves and any future successor in title.

Applicants:	Susan Simpson, Jeffrey Keegan, Shirley Greaves	Date of Decision:	August 30, 2023
File No.:	58-C-215736	Date of Notice:	August 30, 2023
Municipality/Twp:	Unincorporated Township of Jacques, District of Thunder Bay	Last Date of Appeal:	September 19, 2023
Subject Lands:	PIN 62327-0328 (LT), Parts 1-4 & PIN 62327-0329 (LT), Parts 5-10; Summer Resort Location PP 664, Plan M-99, 55R-13281; locally known as 285 Two Island Lake Road		

5. That prior to final approval, an archaeological assessment (and any further assessments, as recommended) must be prepared by a licensed archaeologist under the *Ontario Heritage Act* on the entire property and submitted to the Ministry of Citizenship and Multiculturalism (MCM). Any assessment(s) must conform to the standards and guidelines for Consultant Archaeologists and the terms and conditions of the license issued to the archaeologist under Part VI of the Ontario Heritage Act. The licensed archaeologist should forward a copy of the MCM review letter to MMAH. The review letter should indicate that the reports have been entered into the Ontario Public Register of Archaeological Reports where those reports recommend that:
 - a. all archaeological assessment of the subject lands is complete or
 - b. all archaeological sites identified by the assessment are either of no further cultural heritage value or interest (as per Section 48(3) of the Ontario Heritage Act) or that mitigation of impacts has been accomplished through excavation or an avoidance and protection strategy.

6. That prior to final approval, and pursuant to subsections 53(12) and 51(25) and 51(26) or (27) of the Planning Act, the applicants shall enter into a Consent Agreement for the severed and retained parcels with the Ministry of Municipal Affairs and Housing (MMAH), to its satisfaction, addressing the potential development of the lands, including:
 - a. The parcels can only be used for resource-based recreational uses, with one recreational dwelling per transferable lot, and is not to be used for permanent residential, tourism, commercial, industrial or other purposes.
 - b. No further severances shall be permitted on the retained or severed lands.
 - c. For the retained property:
 - i. The natural buffer of shoreline vegetation will not be disturbed up to the 40-metre mark from the shoreline of Two Island Lake; and
 - ii. No docks or buildings or shoreline structures shall be constructed up to the 40-metre mark from the shoreline of Two Island Lake.
 - d. No wells shall be installed on the retained or severed lands without a proper study completed by a qualified professional ensuring the lands can safely accommodate it.
 - e. Certain standard and site-specific requirements and notification provisions be identified, including those in Schedule 1 to this Notice of Decision.

Applicants:	Susan Simpson, Jeffrey Keegan, Shirley Greaves	Date of Decision:	August 30, 2023
File No.:	58-C-215736	Date of Notice:	August 30, 2023
Municipality/Twp:	Unincorporated Township of Jacques, District of Thunder Bay	Last Date of Appeal:	September 19, 2023
Subject Lands:	PIN 62327-0328 (LT), Parts 1-4 & PIN 62327-0329 (LT), Parts 5-10; Summer Resort Location PP 664, Plan M-99, 55R-13281; locally known as 285 Two Island Lake Road		

- f. Provisions to obtain undertakings from the applicants and/or the applicants' lawyer to implement conditions and requirements, including that the Consent Agreement be registered on title in priority to other documents; and
 - g. Provisions relating to the enforcement of the Consent Agreement.
7. That prior to final approval, the applicants and their solicitor shall apply to the Director of Titles for an entry to be made on the register that no transfer shall be made or charge created with respect to the lands for the severed portion (Parts 3, 5A, 6 and 7) and for the retained (Parts 1, 2, 4, 5B, 8, 9 and 10), as shown on Appendix A, unless the consent of the Manager, Community Planning and Development, Municipal Services Office North – Thunder Bay, Ministry of Municipal Affairs and Housing is given to the transfer or the creation of a charge.

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 Thunder Bay District

Applicants:	Susan Simpson, Jeffrey Keegan, Shirley Greaves	Date of Decision:	August 30, 2023
File No.:	58-C-215736	Date of Notice:	August 30, 2023
Municipality/Twp:	Unincorporated Township of Jacques, District of Thunder Bay	Last Date of Appeal:	September 19, 2023
Subject Lands:	PIN 62327-0328 (LT), Parts 1-4 & PIN 62327-0329 (LT), Parts 5-10; Summer Resort Location PP 664, Plan M-99, 55R-13281; locally known as 285 Two Island Lake Road		

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 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 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.

Applicants: Susan Simpson, Jeffrey Keegan, Shirley Greaves
File No.: 58-C-215736
Municipality/Twp: Unincorporated Township of Jacques, District of Thunder Bay
Subject Lands: PIN 62327-0328 (LT), Parts 1-4 & PIN 62327-0329 (LT), Parts 5-10; Summer Resort Location PP 664, Plan M-99, 55R-13281; locally known as 285 Two Island Lake Road

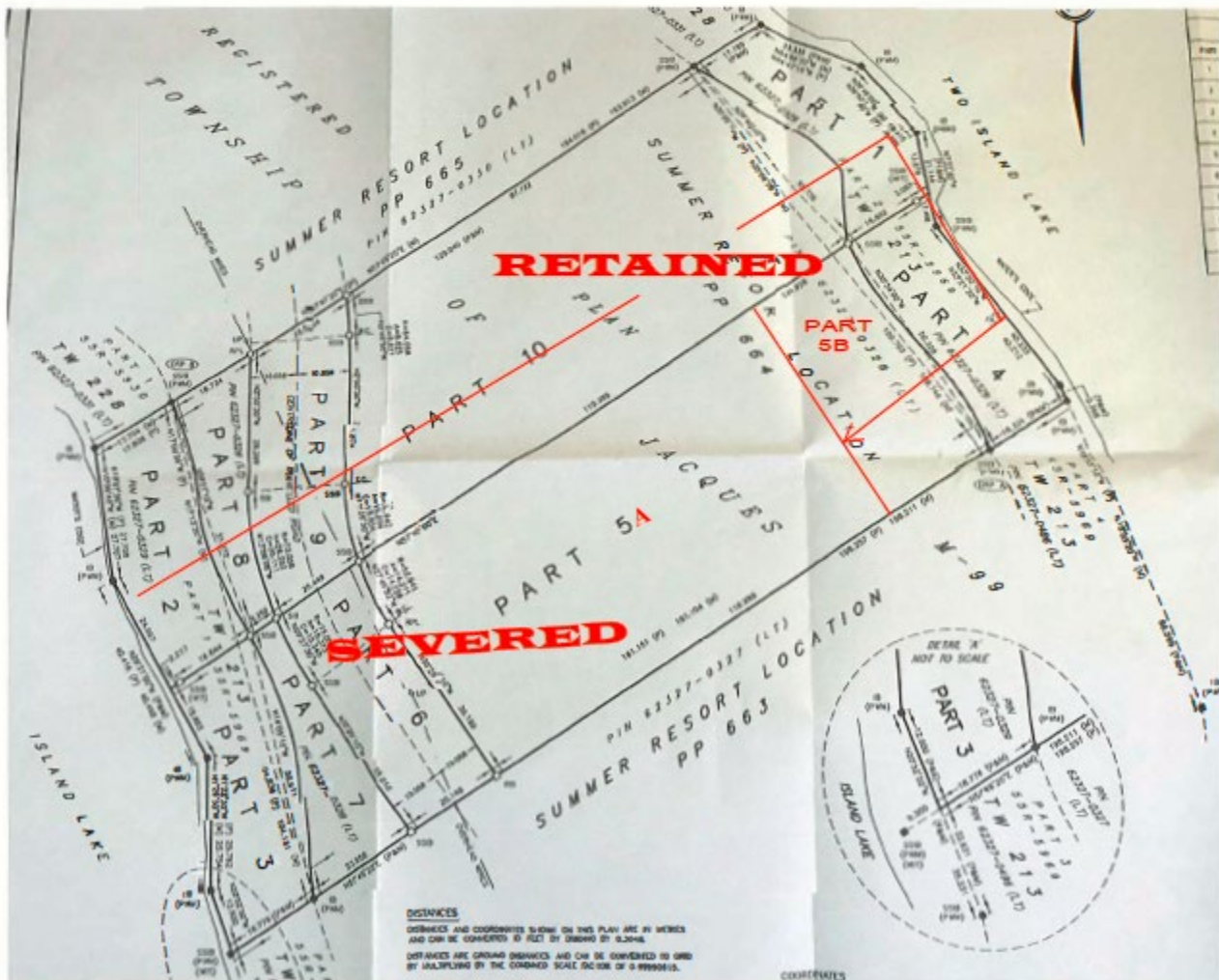
Date of Decision: August 30, 2023
Date of Notice: August 30, 2023
Last Date of Appeal: September 19, 2023

APPENDIX A

The following is a portion of the survey plan for Summer Resort Location PP664, Jacques Township.

The lands to be severed are comprised of Parts 3, 5A, 6, 7.

The lands to be retained are comprised of Parts 1, 2, 4, 5B, 8, 9, 10



Applicants:	Susan Simpson, Jeffrey Keegan, Shirley Greaves	Date of Decision:	August 30, 2023
File No.:	58-C-215736	Date of Notice:	August 30, 2023
Municipality/Twp:	Unincorporated Township of Jacques, District of Thunder Bay	Last Date of Appeal:	September 19, 2023
Subject Lands:	PIN 62327-0328 (LT), Parts 1-4 & PIN 62327-0329 (LT), Parts 5-10; Summer Resort Location PP 664, Plan M-99, 55R-13281; locally known as 285 Two Island Lake Road		

SCHEDULE 1

Preliminary list of standard and site-specific requirements and notification provisions.

- (a) Groundwater supplies may not be adequate to support the use of individual private wells, therefore, wells should only be used in the future on the severed and retained lots if assessment has been undertaken through a hydrogeological study and suitability of groundwater quality and quantity confirmed. Should wells be considered as drinking water sources, they must be constructed in accordance with Regulation 903 - Wells, under the Ontario Water Resources Act.
- (b) The water of Island Lake or Two Island Lake 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.
- (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 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 (MECP). 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.
- (d) Island Lake and Two Island Lake are located within the Hawkeye Lake watershed, which was modelled in 2011 by MECP using the Lakeshore Capacity Model (2011). However, the model did not perform well for the east basin of the lake on which the lot in question is located. Based on the Provincial Water Quality Objectives (PWQO), the east basin of Island Lake was considered to be nearing capacity in 2011 with spring Total Phosphorus (TP) less than 10% below the 10µg/L limit.

More recent TP data is available in the Ministry of the Environment, Conservation and Parks' (MECP) Lake Partner Program's (LPP) database for the east basin of Island Lake from 2012 and 2013. The average spring TP concentration over the most recent three years for which data is available (2010, 2012, 2013) is 8.0µg/L indicating that there appears to be some remaining capacity on this basin as this average spring TP concentration over this time period was 20% below the 10µg/L limit. However, in consideration of this 2011 assessment and the available TP data above the PWQO in 2007, it appears that the TP concentrations in the east basin of the lake have been somewhat variable. As such, a cautious approach to allowing additional development on the lake must be taken, and TP concentrations should continue to be monitored in this lake over time.

Applicants:	Susan Simpson, Jeffrey Keegan, Shirley Greaves	Date of Decision:	August 30, 2023
File No.:	58-C-215736	Date of Notice:	August 30, 2023
Municipality/Twp:	Unincorporated Township of Jacques, District of Thunder Bay	Last Date of Appeal:	September 19, 2023
Subject Lands:	PIN 62327-0328 (LT), Parts 1-4 & PIN 62327-0329 (LT), Parts 5-10; Summer Resort Location PP 664, Plan M-99, 55R-13281; locally known as 285 Two Island Lake Road		

The ministry encourages public participation in the Lake Partner Program to assist in understanding the health of Ontario's lakes. For more information on the Lake Partner Program please see the following website ([Water sampling and testing \(inland lakes\) | ontario.ca](https://www.ontario.ca/water-sampling-testing)).

- (e) The use of Best Management Practices for shoreline development along Island Lake is strongly recommended. Best Management Practices as outlined in the Lakeshore Capacity Assessment Handbook and Stormwater Best Management Practices for Camp Owners in Northwestern Ontario be considered to protect local water quality, including minimizing stormwater volumes and contaminant loads. Some of these practices include:
- i. Avoid development next to the shoreline for a minimum of 30 metres;
 - ii. Appropriate site design (e.g. minimum 30 metre non-development zone adjacent to the shoreline);
 - iii. Maintain or add vegetation along the shore and around the property;
 - iv. Locate sewage systems as far as possible from the shoreline where native soils are deepest, with any drinking water wells remaining up gradient;
 - v. Avoid septic starters, pump the tank out every three to five years and reduce water use.
 - vi. Lot grading and clearing and the creation of impervious surfaces should be minimized.
 - vii. The use of fertilizers should be avoided.
 - viii. For further information, refer to the attached Stormwater Best Management Practices for Camp Owners in Northwestern Ontario and Lakeshore Capacity Assessment Handbook available at: [Lakeshore Capacity Assessment Handbook: Protecting Water Quality in Inland Lakes on Ontario's Precambrian Shield Appendix B: Lakeshore Capacity Assessment Resources | ontario.ca](#)
- (f) 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, except as they relate to the location and construction of septic systems. Inquiries about the Building Code Construction Standards should be made to:

Buildings and Development Branch, Ministry of Municipal Affairs and Housing
 17th Floor, 777 Bay Street, Toronto, ON M7A 2J3. PH: (416) 585-6666; codeinfo@ontario.ca