

Applicants: Janet and Robert Lane
File No.: 60-C-232246
Subject Lands: PIN 42069-0514, PCL 4701 SEC
DKF; S1/2 LT 2 CON 3 EXCEPT PT
1, 23R6081; Unincorporated
Township of Wainwright, District
of Kenora

Date of Decision: September 26, 2023
Date of Notice: September 26, 2023
Last Date of Appeal: October 16, 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-232246** for the creation of a new parcel of land, for a resource-based recreational use in respect of the land described as PIN 42069-0514, in the Unincorporated Township of Wainwright, 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



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 the creation of one new parcel of land approximately 20 hectares in size, and a retained portion of 3.52 hectares, for a resource-based recreational use as applied for, in the above noted location.
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;
 - 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, the applicants are to provide written confirmation that the following conditions have been met:
 - a) Verification from a licensed well driller that adequate potable water (including appropriate treatment option(s) to make the water aesthetically suitable for human consumption) and pumping capacity is available on the proposed severed property in accordance with [Regulation 903 – Wells, under the Ontario Water Resources Act](#) and the [D-5-5 Private Wells-Water Supply Assessment](#).
 - b) Confirmation from a licensed well contractor, for both the proposed severed and retained lots, confirming that an inspection of existing well(s) has occurred to ensure that they are in a properly maintained state, and that steps have been taken for them to be brought to standard if required. See Note 4 for further information.
 - c) Confirmation from the holder of an Environmental Compliance Approval (ECA) for an approved septage disposal facility, referencing the disposal facility and the related Ministry of Environment, Conservation and Parks (MECP) approval, and confirming that the disposal facility has sufficient reserve capacity to accept hauled sewage from the lots.

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4. 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 parcel with the Ministry of Municipal Affairs and Housing (MMAH), to its satisfaction, addressing the use and potential development of the new lot, including:
- a. The lot can only be used for resource-based recreational use (including a resource-based recreational dwelling) and is not to be used for permanent residential use or commercial use;
 - b. No further severances shall be permitted on the lots;
 - c. 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
 - d. Provisions relating to the enforcement of the Consent Agreement.
5. 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. Domestic waste must be appropriately handled and disposed of at an approved waste disposal facility.
 - b. 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 in the future, 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>

- c. 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

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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) in the case where there is a potential to impact species at risk or their habitat.

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.

6. 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.

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.

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2. 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 Health Unit. The Health Unit can also provide information on construction requirements, including minimum distances required between sewage systems and sources of potable water.
 3. 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.

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. 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.
6. 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 Ontario 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.

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7. 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 Endangered Species Act (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.

In the case where there is a potential to impact species at risk or their habitat, determine whether any protected species at risk or their habitat exist, or are likely to exist, within or near your activity location. Then determine whether your activity is likely to contravene the prohibitions in sections 9 or 10 of the ESA. A person carrying out an activity may also wish to consult the Act and seek legal advice to understand its legal obligations. If you think you need a permit you should: complete an Information Gathering Form and submit the form by email to SAROntario@ontario.ca.

8. 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

9. 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.