

**Applicant:** Terry Hyatt  
**File No.:** 59-C-213279  
**Municipality/Twp:** Unsurveyed Territory, Mine Centre, in the District of Rainy River  
**Subject Lands:** PINs 56066 – 1556, 1716, 1613, 1614, and 0556; Part of Part 3 of Plan 48R-888 & Parts 1 & 2 of Plan RR-212 being Part of Mining Location K-383 (retained); Part of Part 3 of Plan 48R-888 being Part of Mining Location K-383 & Parts 1 & 2 of Plan 48R-888 being Part of Mining Location G-56 (severed)

**Date of Decision:** November 2, 2023  
**Date of Notice:** November 2, 2023  
**Last Date of Appeal:** November 22, 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 (MMAH) gave a provisional consent to Application No. **59-C-213279** for the creation of a new parcel, for permanent residential use in respect of the land described above, in Mine Centre, in unsurveyed territory east of the Town of Fort Frances, in the District of Rainy River. 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



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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 the creation of one new parcel of approximately 0.98 hectares in size, and a retained portion of 1.04 hectares, for an existing permanent residential year-round 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 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, this Ministry must receive a letter from the Northwestern Health Unit (NWHU) which states that both the severed and retained parcels have been inspected by the NWHU and are suitable for the installation of a subsurface sewage system or that the existing systems meet their requirements.
4. 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 clauses:
  - a. The CN Railway line is located within close proximity (108 m) to the subject lands. A noise and vibration study has not been completed. The province will not be responsible for any future complaints related to noise and/or vibration. Should further development be proposed in the future, adverse effects related to noise should be assessed as set out in the Ministry of the Environment, Conservation and Parks' (MECP) Environmental Noise Guideline NPC-300. The implementation of

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certain basic mitigation measures in the dwelling design and construction in order to limit potential impacts may be required.

- b. If development that could impact species at risk or their habitat are planned, then the person undertaking those activities would 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. A person carrying out an activity may also wish to consult the Act and seek legal advice to understand its legal obligations. Should any development occur on the severed or retained lots in question then a Species at Risk (SAR) impact assessment may be required to avoid any contravention to sections 9 or 10 of the ESA.
- c. There is one (1) known or recorded Abandoned Mines Information System (AMIS) sites within 1 km of the subject property. This is the FF 1863 (04672; ~970 m away), abandoned gold mine. An AMIS and Land Tenure map, along with AMIS disclaimer, AMIS reports and Mine Site Type Class Descriptions are attached for further information.
- The site is a class C meaning there is potential for serious injury or death to occur. There are however no expected concerns regarding receiving environments nor to public health
  - This site was last inspected in 1993 and is not under a closure plan, and has no known mine plans
  - Features on site are:
    - o Test pit (4m wide and 3.5m deep), active hazard
    - o Fuel storage (empty gasoline tanks)
    - o Exploration shaft (2.5m X 3.5m X 10m deep. Feature is dry to bottom, obscured by tree growth and woven wire fence)
    - o Waste rock dump, active, unknown dimensions.

Based on the information available, Ministry of Mines Rehabilitation Section did not see evidence that any of the abandoned mine hazard features occur on the subject property. However, if a mine hazard is ever suspected on the subject property, MINES should be contacted before any development occurs.

- d. No further severances will be permitted on the severed and retained parcels.

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5. That prior to final approval, written confirmation is received from the holder of an Environmental Compliance Approval (ECA) for an approved sewage disposal facility, referencing the disposal facility and the related Ministry of Environment, Conservation and Parks approval, and confirming that the disposal facility has sufficient reserve capacity to accept hauled sewage from the severed and retained lots.

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. 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](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.

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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. Noise and vibration studies have not been completed to prevent or mitigate adverse effects from noise and other contaminants related to the CN Railway line. The province will not be responsible for any complaints or claims related to the railway use.
6. 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, 17<sup>th</sup> Floor, 777 Bay Street, Toronto, ON M7A 2J3. PH: (416) 585-6666; [codeinfo@ontario.ca](mailto:codeinfo@ontario.ca).

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 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.**