

**Ministry of Municipal
Affairs and Housing**

Municipal Services Office
North (Sudbury)
159 Cedar Street, Suite 401
Sudbury ON P3E 6A5
Tel: 705-564-0120
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**Ministère des affaires
municipales et du logement**

Bureau des services aux
municipalités du Nord (Sudbury)
159 rue Cedar, bureau 401
Sudbury ON P3E 6A5
Tél.: 705 564-0120
Sans frais: 1-800-461-1193



November 28, 2023

Alex Kraus
653025 Doggit Road
Englehart, ON P0J 1H0
Email: kraus.a@hotmail.com

via email only

Subject: GRANTING OF PROVISIONAL CONSENT
Location: PIN 61285-0012, PCL 13602 SEC SST; N 1/2 LT 2 CON 1 SRO
EXCEPT LT110921;
PIN 61285-0010, PCL 10411 SEC SST; N 1/2 LT 1 CON 1;
PIN 61285-0002, PCL 5132 SEC SST; N 1/2 OF S 1/2 LT 1 CON 1;
PIN 61285-0001, PCL 5259 SEC SST; S 1/2 OF S 1/2 LT 1 CON 1;
all in unorganized Township of Robillard, District of Timiskaming
Owners: Michael Carroll
Agent Alex Kraus
MMAH File: **54-C-229762**

Dear Alex Kraus,

Pursuant to Section 53 of the *Planning Act*, a provisional consent is hereby granted in respect of the above-noted application. A list of the conditions that must be fulfilled before consent is given is attached. 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.

Yours truly,

A handwritten signature in black ink, appearing to read "Megan Grant".

Megan Grant
Team Lead - Planning
Community Planning and Development
Municipal Services Office North (Sudbury)

Applicant: Alex Kraus

Owner: Michael Carroll

Date of November 28, 2023

Decision:

File Number: 54-C-229762

Date of Notice: November 28, 2023

Municipality Robillard unincorporated
/ Township: township, District of Timiskaming

Last Date of December 18, 2023

Appeal:

Location: North half of Lot 2 Concession 1 SRO EXCEPT LT110921 (PIN 61285-0012); North half of Lot 1 Concession 1 (PIN 61285-0010); South half of Lot 1 Con 1 (PINs 61285-0002 and 61285-0001)

NOTICE OF DECISION

On Application for Consent

Subsection 53(17) of the *Planning Act*

On November 28, 2023 the Minister of Municipal Affairs and Housing gave a provisional consent to Application No. 54-C-229762 in respect of land in the geographic township of Robillard, District of Timiskaming. 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 Alissa Moenting Edwards, 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, 2021* in the amount of \$400.00, payable to the Minister of Finance.

In What Name Can a Notice of Appeal be Filed?

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

No written or oral submissions were received in relation to 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

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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 (Sudbury),
401-159 Cedar Street
Sudbury, ON P3E 6A5

Attention: Alissa Moenting Edwards, Planner
Telephone: (705) 618-5059



Megan Grant
Team Lead - Planning
Community Planning and Development
Municipal Services Office North (Sudbury)

Applicant: Alex Kraus Owner: Michael Carroll	Date of Decision: November 28, 2023
File Number: 54-C-229762	Date of Notice: November 28, 2023
Municipality / Township: Robillard unincorporated township, District of Timiskaming	Last Date of Appeal: December 18, 2023
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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 the Notice of Decision**, 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 creation of one new lot approximately 71 hectares in size with frontage on Doggit Road, as described in the above-noted application and identified on Schedule A attached hereto and forming part of the decision, for the purpose of continued agricultural 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. The Schedule will include 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) and easement to which this consent approval relates.
3. That prior to final approval, and pursuant to subsections 53(12) and 51(25) and 51(26) or (27) of the *Planning Act*, the applicant shall enter into a Consent Agreement with the Ministry of Municipal Affairs and Housing, to its satisfaction, addressing the use and potential development of the new lot, including:
 - a. the lot can only be used for agricultural uses and is not to be used for residential, commercial, or industrial uses;
 - b. 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
 - c. provisions relating to the enforcement of the Consent Agreement.

Applicant: Alex Kraus
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File Number: 54-C-229762

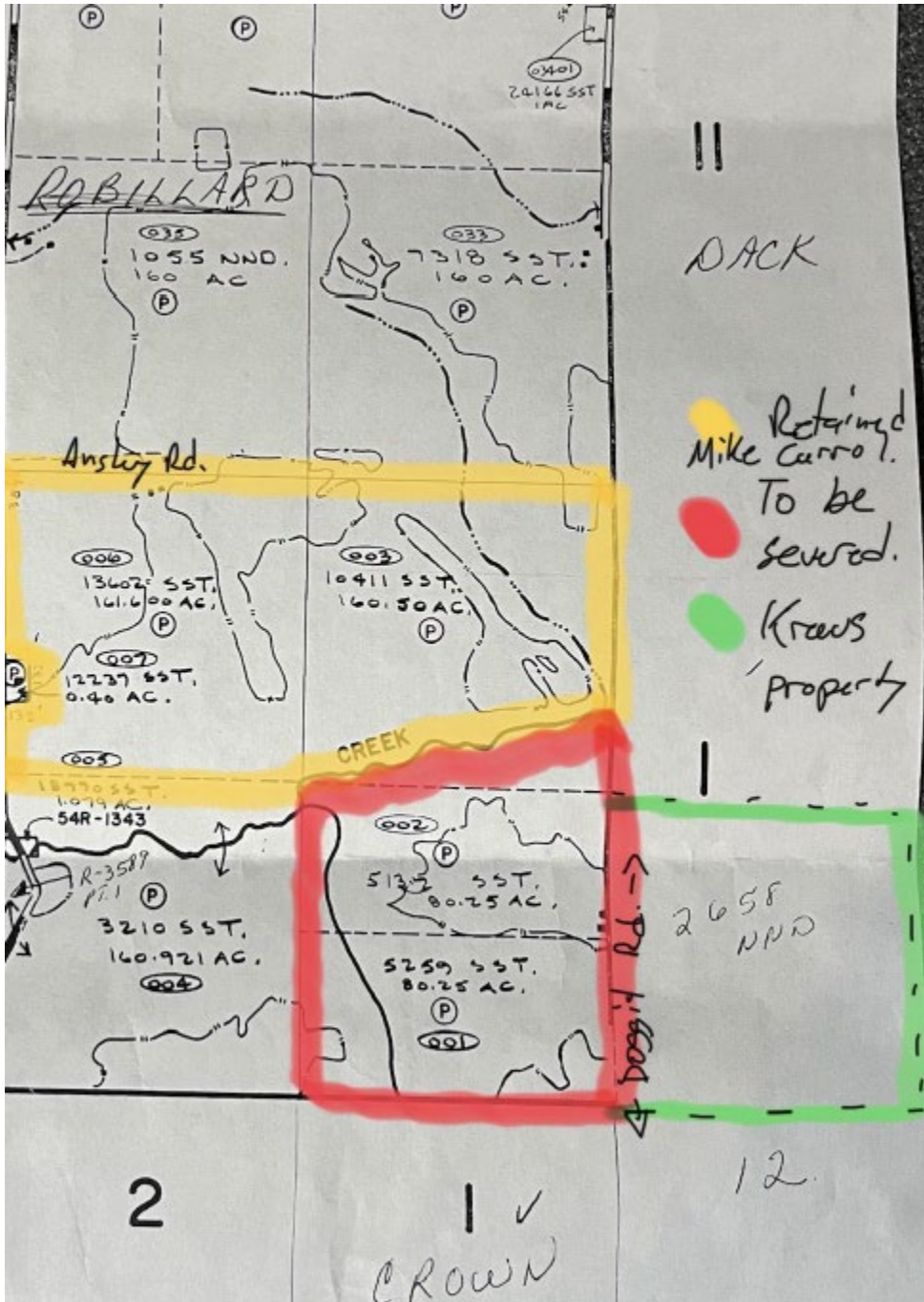
Date of Notice: November 28, 2023

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Schedule A – Severed Lands



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The following notes are for your information:

No. 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. It is the applicant's and/or agent's responsibility to fulfil 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.**

3. Sunday Creek is identified as a cold-water creek that could potentially support Brook Trout. Land owners are responsible for ensuring that all necessary measures are taken to protect fish habitat on their property. Approvals from the Fisheries and Oceans Canada (DFO) under Section 35 of the Federal *Fisheries Act* may be required for projects in and around water.

Prior to any work being done in Sunday Creek or within 120 metres thereof, please review the following DFO information and contact them, if applicable:

- i. [Measures to protect fish and fish habitat \(dfo-mpo.gc.ca\)](https://www.dfo-mpo.gc.ca)
- ii. [Interim code of practice: End-of-pipe fish protection screens for small water intakes in freshwater \(dfo-mpo.gc.ca\)](https://www.dfo-mpo.gc.ca)
- iii. [Request a review of your project near water: Step 1. What this service offers \(dfo-mpo.gc.ca\).](https://www.dfo-mpo.gc.ca)

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4. Sunday Creek is part of a water system used for downstream drinking water. Best management practices to protect local water quality by minimizing stormwater volumes and contaminant loads include the following:
 - i. Avoid site alteration next to the shoreline for a minimum of 30 metres;
 - ii. maintain vegetation buffers along the shore and around the property
 - iii. prevent over-grazing
 - iv. Use grassed swales and/or vegetated filter strips on lots that require ditching to control runoff,
 - v. Avoid fertilizers,
 - vi. Mitigate runoff and erosion from construction projects, reduce lot grading, and limit the creation of impervious surfaces, and
 - vii. Minimize overall water use.
5. Minimum Distance Separation (MDS) formulae apply to the creation of new lots in rural areas. Any future livestock facilities or manure storage areas proposed on the severed or retained lands will need to meet MDS II setbacks from existing uses on the surrounding lands. To support MDS implementation, the Ministry of Agriculture, Food and Rural Affairs (OMAFRA) has developed the Minimum Distance Separation Document – Publication 853, which can be accessed here: <https://www.ontario.ca/page/minimum-distance-separation-mds-formulae>. This webpage also provides a link to access AgriSuite, which is an online program used to complete MDS calculations.
6. Should site alteration take place on the proposed severed or retained lands in the future, an archaeological assessment may be required prior to the development. Such an assessment would need to be undertaken by an archaeologist licensed under the *Ontario Heritage Act*, who would submit the report directly to MCM for review as per the terms and conditions of their licence. For further information on archaeological assessments, including a list of licensed archaeologists in Ontario, please visit MCM's websites:
 1. <https://www.ontario.ca/page/archaeologists-licensed-ontario>
 2. <https://www.ontario.ca/page/archaeological-assessments>
7. Should any site alteration occur on the subject lands, a Species At Risk (SAR) impact assessment may be required to avoid any contravention of sections 9 or 10 of the *Endangered Species Act (ESA)*. Please see the *Client's Guide to Preliminary Screening for Species at Risk* for more information. The screening form can be acquired from SAR

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Ontario Branch at SAROntario@ontario.ca. The results of the screening, along with a completed checklist, should be sent to SAROntario@ontario.ca in the case where there is potential to impact species at risk or their habitat. SAR Ontario would then be able to advise if an ESA authorization is required before the activities to be 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.

8. The province’s Natural Heritage Information Centre (NHIC) has records of four species of provincial interest in the area: Blue-winged Teal, Canada Warbler, Eastern Whip-poor-will, and Bobolink. You can find out more about the NHIC here: <https://www.ontario.ca/page/natural-heritage-information-centre>, and from there, you can find links for contacting the NHIC, reporting sightings, and/or getting access information about tracked species.
9. All domestic waste must be appropriately handled and disposed of at an approved waste disposal facility.