

**Applicants:** Erik Smit  
**File No.:** 60-C-237186  
**Municipality/Twp:** Geographic Township of Van Horne,  
District of Kenora  
**Subject Lands:** PIN: 42079 0200 LT, PCL 39369, SEC DFK SRO, PT BLK D  
PL M669 PT 5, 23R8324 (Lot 20) and PIN: 42079 0198 LT,  
PCL 39370, SEC DKF SRO, PT BLK D PL M669 PT6 23R8324  
(Lot 21) Dryden area, District of Kenora

**Date of Decision:** January 26, 2024  
**Date of Notice:** January 26, 2024  
**Last Date of Appeal:** February 15, 2024

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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. **60-C-237186** for a lot addition in respect of the land described as PIN 420790200 & 420790198 in the Geographic Township of Van Horne, 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 Madisyn Owen, 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

Comments were reviewed and 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: Madisyn Owen, Planner  
Telephone: (807) 632-1633



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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 permit the lot addition of 0.108 hectares from PIN 420790198, to join Lot 21 (0.273 hectares), PIN 420790197, AND lot addition of 0.275 hectares from PIN 420790200, to join Lot 20 (0.611 hectares), PIN 420790199, in the above-noted location in the Geographic Township of Van Horne, 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;
  - 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, an application to consolidate the severed shoreline allowance, PIN 420790198, with Lot 21, PIN 420790197, 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, an application to consolidate the retained shoreline allowance, PIN 420790200, with Lot 20, PIN 420790199, 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.
5. That prior to final approval, the Ministry must be advised by the Northwestern Health Unit that the retained lands and the severed lands have been inspected and are suitable for the installation of a subsurface sewage system or that the existing systems meet their requirements.
6. That prior to final approval, this Ministry is to be provided written confirmation of adequate capacity to dispose of hauled sewage generated by the severed and retained lands. This written confirmation should take the form of a letter from the holder of an Environmental

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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 proposed lots.

7. 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. 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.
  - b. Should wells be considered as drinking water sources, they must be constructed in accordance with Regulation 903 - Wells, under the Ontario Water Resources Act.
  - c. The water from Wabigoon 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.
  - d. Small private sewage disposal facilities which have a daily sewage flow of 10,000 litres or less per day must be certified by the local 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 local 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.
  - e. Domestic waste must be appropriately handled and disposed of at an approved waste disposal facility.
  - f. It is recommended the minimum setback distance of 30 m from the high-water mark to any development (building, septic) be maintained.
  - g. The landowners shall implement best management practices to prevent localized increase in phosphorous, algae and weeds along the shoreline. Several best management practices should be considered to protect local water quality including minimizing stormwater volumes and contaminant loads. Examples include:
    - Avoid development next to the shoreline for a minimum of 30 metres;
    - Appropriate site design (e.g. minimum 30 metre non-development zone adjacent to the shoreline);
    - Maintain or add vegetation along the shore and around the property;

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- Locate sewage systems as far as possible from the shoreline where native soils are deepest, with any drinking water wells remaining upgradient;
- grassed swales and/or vegetated filter strips on lots that require ditching to control runoff;
- Directing roof leaders to rear yard ponding areas, soak away pits or rain barrels;
- Directing sump pump foundation drains to rear ponding areas and infiltration trenches;
- Minimize hardened surfaces on lots and main natural shoreline environment

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, 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  
Telephone: (416) 585-6666  
[codeinfo@ontario.ca](mailto:codeinfo@ontario.ca)

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

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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. 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](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.

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 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.**

Because this consent application is for a lot addition, subsection (3) or (5) of Section 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.