

Applicants: 2768297 Ontario Ltd.
File No.: 58-C-231316
Municipality/Twp: Township of Pic, District of Thunder Bay
Subject Lands: PIN 62448-1607, Thunder Bay Freehold being part of the south half of Lot 8, Concession 6, unorganized Township of Pic, District of Thunder Bay

Date of Decision: February 8, 2024
Date of Notice: February 8, 2024
Last Date of Appeal: February 28, 2024

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. **58-C-231316** for a severance of land in respect of the land described as PIN 62448-1607 in the Geographic Township of Pic, 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 Ropheka Adofo, A/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: Ropheka Adofo, A/Planner
Telephone: (807) 631-4954

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 severance of approximately 40.65 hectares of land while retaining approximately 167 hectares of land, in the above-noted location in the Geographic Township of Pic, 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;
 - 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, 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 (MMAH), to its satisfaction, addressing the use and potential development of the new lot, including:
 - a. Until the Addition to Reserve process has been completed and the lands have been transferred to Biigtigong Nishnaabeg First Nation, the only permitted development on the subject lands will be for uses related to the sustainable management or use of resources and resource-based recreational uses (including recreational dwellings) in accordance with Section 1.1.6 of the Provincial Policy Statement (2020).
 - b. The filing of a Record of Site Condition (RSC) to the Environmental Site Registry will be required under the Environmental Protection Act and the Building Code Act before property use can change from light industrial and commercial use to residential and recreational use, or other more sensitive uses if no prior clean-up was completed.
 - c. As the lands may contain archaeological resources, an archaeological assessment of the entire property is required prior to any development or

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ground disturbance being completed. Existing structures 40 years or older should also be evaluated for cultural heritage value or interest. The assessment shall be undertaken by an archaeologist licensed under the Ontario Heritage Act, who will submit the report directly to the Ministry of Citizenship and Multiculturalism (MCM) for review as per the terms and condition of their license. See Note #6 for further information.

- d. 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
- e. Provisions relating to the enforcement of the Consent Agreement.

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
17th Floor, 777 Bay Street
Toronto, ON M7A 2J3
Telephone: (416) 585-6666
codeinfo@ontario.ca

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3. In accordance with the Public Transportation and Highway Improvement Act (PTHIA), Entrance Permits are required for any entrance onto a provincial highway. Any change of, property ownership, property description, entrance/land use or of entrance construction, requires a new entrance permit. Entrance Permits do not run with the land. It also states if the property has the ability to connect to a side road, that the applicant would be required to construct an access off the side road and no access would be granted to the highway.

For the portion of the severed land #1, an entrance permit would be required prior to constructing an entrance to access Highway 627 and all current access policies must be met. Highway access for the retained lands and Severed lands, identified as 2 and 3 on the circulated plan, will be via the side road that currently provides access to the subject property located on the east side of Hwy 627, approx. 7.18km south of Highway 17.

This side road is under MTO ownership; however, this road is not and will not be maintained by the Ministry. It will remain open to the public to allow access for these properties but is an unmaintained publicly accessible road and is to be used at their own risk. If maintenance would be required, it would be up to the individuals on this road to maintain and they must contact the Ministry prior to any work being completed on this road. A Building and Land Use permit will be required to construct any entrances to the public side road.

Ministry Building and Land Use Permits are required for any development/ construction occurring within 45 metres of the property limit of a highway and within 180 metres of the centre point of a public road intersection with Highway 627. If the properties become a part of the Pic River 50 Reserve (Biigtigong Nishnaabeg First Nation), Ministry building and land use permits are not required on reserve land. However, the Ministry would appreciate being able to review and comment on any proposed development so any possible conflicts between highway operations and First Nation lands can be avoided.

All permits are required prior to any development/construction taking place on lands not a part of the First Nation reserve lands. MTO permits are in addition to permits/approvals requirements by any other agencies having authority. Permit information and on-line permit applications can be found on the ministry web site, www.mto.gov.on.ca/english/highway-bridges/highway-corridor-management/index.shtml.

Permit requirements and application assistance can also be obtained by contacting Breanne Yesno, Corridor Management Officer, at (807) 633-9889 or email breanne.yesno@ontario.ca.

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4. 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 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.
5. 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.
6. 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.
7. 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.
8. 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.

9. An application to the Ministry of Natural Resources and Forestry (MNR) to release the

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reservations and conditions from patent may be required before the land can be added to reserve after the severance.

10. 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.**