

**Ministry of Municipal
Affairs and Housing**

Municipal Services Office
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Sudbury ON P3E 6A5
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**Ministère des affaires
municipales et du logement**

Bureau des services aux
municipalités du Nord (Sudbury)
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March 8, 2024

J.F.T. Developments / 2716906 Ontario Inc.
1914 Oliver Road
Thunder Bay, ON P7G 1P1
Email: jamieson@tbaytel.net

via email only

Subject: GRANTING OF PROVISIONAL CONSENT
Location: Part Lot 10 Concession 1, (PIN 61301-0067); unorganized township of
Tudhope, District of Timiskaming
Owners: J.F.T. Developments / 2716906 Ontario Inc.
Agent Jack Jamieson
MMAH File: 54-C-237487

Dear Jack Jamieson,

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:	J.F.T. Developments / 2716906 Ontario Inc.	Date of Decision:	March 8, 2024
File Number:	54-C-237487	Date of Notice:	March 8, 2024
Municipality / Township:	Tudhope unincorporated township, District of Timiskaming	Last Date of Appeal:	March 28, 2024
Location:	Part Lot 10 Concession 1, PIN 61301-0067		

NOTICE OF DECISION

On Application for Consent

Subsection 53(17) of the *Planning Act*

On March 8, 2024 the Minister of Municipal Affairs and Housing gave a provisional consent to Application No. 54-C-237487 in respect of land in the geographic township of Tudhope, 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 consent if you make a written request to be notified of changes to the conditions of approval of the provisional consent.

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Other Related Applications

- **54-C-237358** – easement application for the Retained lot and Lot 1, provisional consent granted March 8, 2024
- **54-C-224406** – new lot application for Lot 2, provisional consent granted December 19, 2022
- **54-C-224505** – new lot application for Lot 3, provisional consent granted December 19, 2022
- **54-C-224307** – new lot application for Retained and Lot 1, provisional consent granted December 19, 2022

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)

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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 a 0.1-hectare mutual-access easement on 61301-0067 to provide access to provisionally-approved lots in Tudhope Unincorporated Township, District of Timiskaming ("Lots 2 and 3" of in related files 54-C-224406 and 54-C-224505), as described in the above-noted application and identified on Schedule A attached hereto and forming part of the decision.
2. That approval of this consent for easement is conditional upon the fulfillment of the conditions of final approval for files 54-C-224406 and 54-C-224505, relating to the proposed Lots 2 and 3.
3. 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 for the purposes of an easement, on which is set out the entire legal description of all parcels in question, and which contains the names of the parties indicated on the application to transfer; and
 - c. A reference plan of survey that bears the Land Registry Office registration number and signature as evidence of its deposit therein, illustrating the easement to which the consent approval relates, where the reference plan of survey will be the same as that drafted for the related files 54-C-224406 and 54-C-224505.
4. That the application to transfer noted in Condition 3 shall identify the property and ownership that the easement grants, each in favour of the other lot, and the purpose of the easement.
5. Written confirmation from the Ministry of Transportation (MTO) indicating their satisfaction with the mutual-access easement, as described in the draft reference plan and draft deeds (prior to registration) for Lots 2 and 3 of provisionally-approved by Ministry File Nos. 54-C-224406 and 54-C-224505.
6. Written confirmation from MTO showing that an application for a Mutual Entrance Permit, signed by the parties for Lots 2 and 3 of provisionally-approved by Ministry File Nos. 54-C-224406 and 54-C-224505, has been submitted and that the MTO is willing to approve that application.
7. The required Transfer/Deed of Land forms and Schedule pages for both Lots 2 and 3, as described in files 54-C-224406 and 54-C-224505, where the easement is registered and shown on title.

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Schedule A – Easement for legal access to the provisionally-approved Lots (PTs) 2 and 3:



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The following notes are for your information:

No. Notes

1. For the lots for which the easement associated with this application is required, the Transfer/Deed of Land form and Schedule page shall contain a complete and accurate legal descriptions of the lots and the easement. 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. Residential entrance permits can be done online at <https://www.hcms.mto.gov.on.ca/>. Please note:
 - a. MTO Entrance Permits are required prior to the construction of new entrance(s) and/or for any change in ownership or change in use of the lands or entrance(s);
 - b. More information about Ministry of Transportation (MTO) residential entrance permits can be found at the following link, <https://www.ontario.ca/page/highway-corridor-management>, or by contacting Natalie Dugas, Corridor Management Officer at natalie.dugas@ontario.ca;
 - c. MTO Sign permit(s) are required for the placement of any signs within 400 metres of the limit of the highway; and
 - d. MTO Building and Land Use Permit(s) are required prior to the construction of any proposed buildings, septic systems, wells *etc.* on properties located within 45 metres of the MTO right-of-way (ROW) limits or within a 180-metre radius of intersections along the highway, including intersections of the highway and any new or existing private roads.

4. The Cane Local Roads Board has indicated that all intersections of proposed access roads

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with Payne Road must be constructed in accordance with Cottage Standards (document included with this package).

5. Conditional approval for related files 54-C-224406 and 54-C-224505 is dependent on an archaeological assessment, including for access area to the new lots. In addition, 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 associated with the easement. All activities impacting archaeological resources must cease immediately, and a licensed archaeologist is required to carry out further 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. The municipal dump at Elk Lake is not available for owners of the new lots. All domestic waste must be appropriately handled and disposed of at a different MECP-approved waste disposal facility: the closest is the Ministry of Natural Resources and Forestry's Cane Township Waste Disposal Site, located off Cane Road 4.
7. Please be advised that the owners will be subject to user fees for municipal services they use in Elk Lake.
8. Please be advised that the original property patent may reserve the pine trees to the Crown. You may contact MNR/Kirkland Lake Work Centre at mnrf.tim.kl@ontario.ca to discuss options for forest clearing.
9. If development activities on the lots could pose a risk to any species at risk or their habitat, the *Endangered Species Act* may be triggered. Such development activities may require a species at risk authorization. If a species at risk authorization may be necessary in future, MECP recommends that proponents contact SAR@ontario.ca
10. Please be aware that there are three mining exploration shafts within 500 metres of the sites. The Ministry of Mines indicates that these sites will not impact proposed development. The mining shafts are not on-property, but they are on adjacent Crown land and could pose health and safety risks, and caution is advised. For more information, contact the Mine Hazards Technical Specialist Emilie Trottier at emilie.trottier@ontario.ca.