

**Applicant:** Ian Bodnar & Valerie Wesselius - 1698293 Ontario Ltd. **Date of Decision:** May 13, 2024  
**File No.:** 58-C-230058 **Date of Notice:** May 13, 2024  
**Subject Lands:** PIN 62315-0176 (LT); Mining Loc TB 2385, Lower Shebandowan Lake, Unincorporated Township of Conacher, District of Thunder Bay. **Last Date of Appeal:** June 2, 2024

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# 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 gave a provisional consent to Application No. **58-C-230058** for the creation of one new resource-based recreational lot in respect to PIN 62315-0176 (LT) in the Unincorporated Township of Conacher, District of Thunder Bay. A copy of the decision is attached.

**Who Has Appeal Rights under the Planning Act**  
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.

435 James Street South, Suite 223  
Thunder Bay, ON. P7E 6S7  
Attention: Chelsea Flegel, Planner  
Telephone: (807) 630-8442

**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.

In addition, send a copy of your notice of appeal to the Minister of Environment, Conservation and Parks. You can provide notice by email at [minister.mecp@ontario.ca](mailto:minister.mecp@ontario.ca) or by mail at:

The notice of appeal should be sent to the attention of Chelsea Flegel, Planner at the address shown below and it must,

College Park  
5th Floor, 777 Bay Street  
Toronto, ON  
M7A 2J3

- (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.

### Appeal Rights under the Environmental Bill of Rights

The *Environmental Bill of Rights, 1993* provides a separate ability to seek leave to appeal decisions on consent applications that are posted to the Environmental Registry of Ontario (ERO). This appeal must be commenced within 15 days of the notice of decision being posted on the ERO. For more information about this appeal method, refer to the *Environmental Bill of Rights, 1993*, or <https://www.ontario.ca/page/environmental-bill-rights>.

**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.

The notice for this application is available to view on the ERO at <https://ero.ontario.ca/notice/019-8023>

**Other Related Applications**  
58-C-230180

**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)

  
Victoria Kosny  
Manager, Community Planning & Development  
Municipal Services Office – North (Thunder Bay)

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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 creation of one (1) new resource-based recreational lot of approximately 0.28 hectares in size, as applied for, in the above-noted location on Lower Shebandowan Lake in the Unincorporated Township of Conacher, District of Thunder Bay.  
  
The applicants shall grant any easements as may be required for access purposes to individual landowners.
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; 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) 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. 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 for each new lot with the Ministry of Municipal Affairs and Housing, to its satisfaction, addressing the use and potential development of the new lot, including:
  - a. The lots can only be used for resource-based recreational uses (including a recreational dwelling) and is not to be used for permanent residential use;
  - b. Certain standard and site-specific requirements and notification provisions be identified, including those in Appendix 1 attached hereto and forming part of this Notice of Decision;
  - c. 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

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

4. That prior to final approval, this Ministry must receive written confirmation from the Ministry of the Environment, Conservation and Parks (MECP) confirming that site conditions for Lot 3 are appropriate for the proposed lot size upon preparation and review of a site-specific hydrogeological study or shall provide a Monitoring-based Assessment of existing development by a qualified individual, in accordance with Section 5.6.1 a) of the MECP D-5-4 Guidelines (<https://www.ontario.ca/page/d-5-4-individual-site-sewage-systems-water-quality-impact-risk-assessment>) to the satisfaction of MECP. The proponent undertakes to complete any recommendations of the site-specific monitoring-based assessment, including but not limited to, any further study required.
5. That prior to final approval, this Ministry must receive a letter from the Thunder Bay District Health Unit (TBDHU) which states that each lot has been inspected by the TBDHU 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 shall receive an application for consent to create an 8 metre wide easement in perpetuity over part of PIN 62315-0342 for access purposes to the severed and retained lots and that these easements have been finalized, or alternatively, an undertaking with the property owner(s) to finalize these easements once draft approved, has been received by this Ministry; or written confirmation is received from the Local Roads Board indicating that the road has been built to their standards and is part of the Shebandowan Village Local Roads Board system for maintenance and liability.
7. That prior to final approval, this Ministry must receive written confirmation from the Canadian National Railway Community Planning and Development Team supporting the location of the proposed shared entrance and proximity to railway lands.
8. That prior to final approval, this Ministry must receive written confirmation from the holder of an Environmental Compliance Approval (ECA) for an approved septage disposal facility, referencing the disposal facility and the related MECP approval confirming it has sufficient reserve capacity to accept any additional hauled sewage from the proposed severed and retained lots.
9. That prior to final approval, MMAH must receive written confirmation indicating where garbage disposal will be hauled and deposited. The proposed facility which accepts the waste should be contacted to assess the implications of the proposal on its waste disposal site.
10. That prior to final approval, this Ministry requires written confirmation from MECP confirming sufficient evidence to substantiate the absence of land use compatibility concerns for the severed and retained lands upon the completion of appropriate studies as described in Publication NPC-300 Environmental Noise Guideline to the

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satisfaction of MECP, prepared by a qualified individual, and the proponent must undertake to complete any recommendations of the assessment, including but not limited to, any further study required and to provide documentation where appropriate to certify that recommendations of the assessment have been implemented.

11. The 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:
  - i. CN encourages the owner(s) to pursue the implementation of the following criteria:
    - a. Safety setback of habitable buildings from the railway rights-of-way to be a minimum of 30 metres in conjunction with a safety berm. The safety berm shall be adjoining and parallel to the railway rights-of-way with returns at the ends, 2.5 metres above grade at the property line, with side slopes not steeper than 2.5 to 1;
    - b. The owner(s) shall install and maintain a chain link fence of minimum 1.83 metre height along the mutual property line;
    - c. the owner(s) shall consider noise and vibration attenuation measures in the design of the cottages;
    - d. Canadian National Railway Company or its assigns or successors in interest has or have a rights-of-way within 300 metres from the land the subject hereof. There may be alterations to or expansions of the railway facilities on such rights-of-way in the future including the possibility that the railway or its assigns or successors as aforesaid may expand its operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwelling(s). CNR will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under the aforesaid rights-of-way.
    - e. Any proposed alterations to the existing drainage pattern affecting railway property must receive prior concurrence from the Railway and be substantiated by a drainage report to the satisfaction of the Railway.

Please refer to CN's guidelines for the development of sensitive uses in proximity to railways.

12. That application 58-C-230180 has been given provisional consent and has been submitted for finalization together with this application. Application 58-C-230058 should be registered first. Applications 58-C-213588 and 58-C-219313 should be registered prior to 58-C-230058 and 58-C-230180.

The following NOTES are for your information:

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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. The Crown shoreline allowance does not form part of this consent.
3. No further severances shall be permitted on Lot 3 or the retained lands.
4. 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. Inquiries about the Building Code should be made to:

Buildings and Development Branch  
Ministry of Municipal Affairs and Housing  
2<sup>nd</sup> Floor, 777 Bay St.  
Toronto, ON M5G 2E5  
Telephone: (416) 585-6666  
Fax: (416) 585-7531  
[codeinfo@ontario.ca](mailto:codeinfo@ontario.ca)

5. Owners and prospective buyers should contact the Thunder Bay District Health Unit at 999 Balmoral St, Thunder Bay, ON P7B 6E7 Tel: 1-807-625-7990 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 Thunder Bay District Health Unit. The Health Unit can also provide information on construction requirements, including minimum distances required between sewage systems and sources of potable water.
6. Please notify 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

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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*.

A marine archaeological assessment would need to be undertaken in the case of future alterations to the property, such as shoreline alterations or the construction of docks. For more information, please refer to the MCM's screening checklist: Criteria for Evaluating Marine Archaeological Potential.

For further information on archaeological assessments, including a list of licensed archaeologists in Ontario, please visit MCM's website: [Archaeologists licensed in Ontario | Ontario.ca](#)

7. 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.
8. Additional resources regarding shoreline Best Management Practices are listed in Appendix B of the Lakeshore Capacity Assessment Handbook, 2010, available at: [Lakeshore Capacity Assessment Handbook: Protecting Water Quality in Inland Lakes | ontario.ca](#)
9. If activities on the lots could pose a risk to species at risk or their habitat, the *Endangered Species Act* may be triggered at that time. If a species at risk authorization is required in the future, it is recommended that owners or prospective purchasers contact [SAR@ontario.ca](mailto:SAR@ontario.ca).
10. Owners and prospective buyers should look to minimize the risk of Wildland Fire to a low to moderate rating by referring to MNR's Wildland Fire Risk Assessment and Mitigation reference manual, found at <https://www.ontario.ca/page/wildland-fire-risk-assessment-and-mitigation-reference-manual>.
11. Proponents should be advised that the noise impact assessment must be prepared in accordance with MECP's Publication NPC-300, Environmental Noise Guideline by a qualified individual with experience in environmental acoustics, preferably a Professional Engineer with prior experience successfully addressing the requirements of MECP noise guidelines. The following website may assist the proponents in selecting a qualified consultant to meet their needs: [http://caa-aca.ca/?page\\_id=11](http://caa-aca.ca/?page_id=11). Please note that MECP does not endorse the use of any

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particular consultant.

12. 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.

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### Appendix 1

Preliminary list of standard and site-specific requirements and notification provisions:

- (a) Canadian National Railway Company/Canadian Pacific Railway Company or its assigns or successors in interest has or have a right-of-way within 300 metres from the land the subject hereof. There may be alterations to or expansions of the rail facilities on such right-of-way in the future including the possibility that the railway or its assigns or successors as aforesaid may expand its operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwelling(s). CNR/CPR will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under the aforesaid right-of-way.
- (b) The noise resulting from the use of the railway may interfere with the lot owner's enjoyment of the property. Sound levels due to increasing rail traffic may on occasions interfere with some activities of the dwelling occupants as the sound levels exceed the sound level limits of the Ministry of the Environment, Conservation and Parks (MECP).
- (c) Any proposed alterations to the existing drainage pattern affecting railway property must receive prior concurrence from the Railway and be substantiated by a drainage report to the satisfaction of the Railway.
- (d) 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.
- (e) Should wells be considered as drinking water sources, they must be constructed in accordance with Regulation 903 – Wells, under the Ontario Water Resources Act.
- (f) Water from any water bodies on or near the lot 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.
- (g) Small private sewage disposal facilities which have a daily sewage flow of 10,000 litres or less per day must be certified by the Thunder Bay District 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 Thunder Bay District 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.
- (h) Domestic waste must be appropriately handled and disposed of at an approved waste disposal facility.
- (i) The use of Best Management Practices for shoreline development is recommended. Best Management Practices such as shoreline naturalization and vegetated buffer strips can reduce the adverse effects of shoreline development on inland lakes. It is recommended that sewage systems be located where native soils are deepest, and at the furthest distance possible from the shoreline.