

Applicants: John Dove
File No.: 58-C-228296
Municipality/Twp: Township of Van Horne, District of Kenora
Subject Lands: PIN 42080-0170 (LT), Con 4, Pt Lot 7, RP 23R-6625P

Date of Decision: May 9, 2024
Date of Notice: May 9, 2024
Last Date of Appeal: May 29, 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 gave a provisional consent to Application No. **60-C-228296** to permit the creation of a new resource-based recreational lot in the Geographic Township of Van Horne, in the District of Kenora. 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.

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 Jamie Kirychuk, 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.

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

58-C-220676

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: Jamie Kirychuk, Planner
Telephone: (807) 632-1272

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 or by mail at:

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

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>

The notice for this application is available to view on the ERO at

<https://ero.ontario.ca/notice/019-7855>



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.

No. Conditions

1. That this approval applies to permit the creation of a new resource-based recreational lot of approximately 1.32 hectares in size, as applied for and identified as Part 3 on Appendix A attached hereto and forming part of this decision, in the above-noted location with frontage on Wabigoon Lake in the Geographic Township of Van Horne, in the District of Kenora.
2. That an easement, as identified hereto as part 5 on Appendix A, in favour of the severed lands for access and utility purposes over the retained property be registered on title and included in the Transfer document, the Schedule, and the Survey Plan submitted.
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 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
4. That prior to final approval, the Ministry must be advised in writing by the Northwestern Health Unit that the severed lands have been inspected and are suitable for the installation of a subsurface sewage system.
5. That prior to final approval, the applicant is to provide written confirmation from a licensed well driller that adequate potable water (including appropriate treatment option(s) to make the water aesthetically suitable for human consumption) and pumping capacity is available on the proposed new lot and retained property in accordance with [Regulation 903 – Wells, under the Ontario Water Resources Act](#) and the [D-5-5 Private Wells-Water Supply Assessment](#).
6. That prior to final approval, and pursuant to subsections 53(12) and 51(25) and 51(26) or (27) of the *Planning Act*, the applicants shall enter into a Consent Agreement for the new lot with the Ministry of Municipal Affairs and Housing (MMAH), to its satisfaction, addressing the use and potential development of the new lot, including:
 - a. The lot can only be used for resource-based recreational purposes (including a resource-based recreational dwelling) and is not to be used for permanent residential use;

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- b. Provisions to obtain undertakings from the applicant and/or the applicants' 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.
7. That prior to final approval by this Ministry, written confirmation is received which states that there is adequate capacity to dispose of hauled sewage generated by the severed lands. This written confirmation should take the form of a letter from the holder of an Environmental Compliance Approval (ECA) for a septage disposal facility that has sufficient reserve capacity to accept hauled sewage from the proposed lot.
8. 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. Owners are encouraged to participate in the Province's Lake Partner Program. Volunteers can help monitor the local water quality by collecting samples and making observations on their lakes. Additional information on the Lake Partner Program is available at: [Water sampling and testing \(inland lakes\) | ontario.ca](https://www.ontario.ca/water-sampling-testing)
 - 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. The use of Best Management Practices for shoreline development is strongly 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.
 - g. Other Best Management Practices include maintaining vegetation along the shoreline and elsewhere on the site, appropriate site design (e.g. minimum 30 metre non-development zone adjacent to the shoreline), and construction mitigation.

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Measures such as avoiding septic starters, pumping out septic tanks every three to five years, and reducing water use also help protect water quality. The attached fact sheet provides further information. Additional resources regarding Best Management Practices are listed in Appendix B of the Lakeshore Capacity Assessment Handbook, 2010, available at: <http://www.ontario.ca/environment-and-energy/lakeshore-capacity-assessment-handbook-protecting-water-quality-inland-lakes>.

- h. The attached *Client's Guide to Preliminary Screening for Species at Risk* should be utilised to determine potential for conflicts with species subject to the Endangered Species Act (ESA). The results of this screening, along with a completed checklist should be provided to Species at Risk (SAR) Ontario Branch (SAROntario@ontario.ca) in the case where there is a potential to impact species at risk or their habitat.

If activities subsequent to a severance or other administrative activity (for example, development on a lot) that could impact species at risk or their habitat are planned, then the person undertaking those activities will need to determine if an ESA authorization is required before the activities are 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.

9. That application 60-C-220676 has been given provisional consent and has been submitted for finalization together with this application. Application 60-C-228296 should be registered first.

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. Inquiries about the Building Code should be made to:

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Ontario's Building Code
Ministry of Municipal Affairs and Housing
777 Bay St.
Toronto, ON M5G 2E5
Telephone: (416) 585-7000

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 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 Tourism, Culture and Sport (MTCS) (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, MTCS 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(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.

