

Applicant: Denis and Mary Lemelin
File No.: 56-C-233031
Municipality/Twp: Knox Unincorporated Township,
Cochrane District
Subject Lands: PIN 65339-0002, S ½ Lot 10, Concession 6,
Knox Unincorporated Township, Cochrane
District.

Date of Decision: May 09, 2024
Date of Notice: May 09, 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 (MMAH) gave a provisional consent to Application No. **56-C-233031** for the creation of a new parcel, for resource-based recreational use in respect of the land described as PIN 65339-0002 in Knox unincorporated township, Cochrane District. 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 Zeinab Seifpour, Planner at the address shown below and it must,

- (1) set out the reasons for the appeal, and
- (2) be accompanied by the fee established 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

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
(Sudbury),
401-159 Cedar Street
Sudbury, ON P3E 6A5
Attention: Zeinab Seifpour, Planner
Telephone: (705) 561-5340

In addition, send a copy of your notice of appeal to the Minister of Environment, Conservation and Parks. You can

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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/019-8385>



Megan Grant, Team Lead
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 permit the severance of a piece of land approximately 11.7 hectares in size from PIN 65339-0002 (LT), as applied for in the above-noted application and described as Lot 2 in Schedule A attached hereto and forming part of the decision.
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 all 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 parcels to which the consent approval relates.
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, to its satisfaction, for each of the severed and retained lots, addressing their use and potential development, including:
 - a. the new lots can only be used for resource-based recreational uses (including a recreational dwelling) and is not to be used for permanent residential or commercial uses.
 - b. the retained lot can only be used for resource-based recreational uses (including a recreational dwelling) and is not to be used for permanent residential or commercial uses.
 - 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;

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and,

- d. provisions relating to the enforcement of the Consent Agreement.
4. That prior to final approval, the Ministry must be advised by the porcupine Health Unit that the retained 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.
 5. That prior to final approval, the Ministry must be provided written confirmation of adequate capacity to dispose of hauled sewage generated by the proposed new lots. This written confirmation should take the form of a letter from the holder of an Environmental Compliance Approval (ECA) for an approved septage disposal facility, confirming it has sufficient reserve capacity to accept any additional hauled sewage from this lot.
 6. That prior to final approval, the Ministry must be advised by the MCM that the applicant has completed the checklist for “Criteria for Evaluating Potential for Built Heritage Resources and Cultural Heritage Landscapes” along with photographs of any existing structures, and they have determined that a cultural heritage evaluation report and/or a heritage impact assessment is not required.
 7. That prior to final approval, the Ministry must be provided written confirmation letter from a waste disposal site confirming that it is licensed to accept solid waste and willing to accept the solid waste from each of the proposed lots.
 8. That prior to final approval, the Ministry must be provided a letter from the owner of the Twin Falls Marina, or another private facility on the subject waterway, indicating that the facility has the capacity to provide docking and parking for the proposed severed lots.

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The following notes are for your information:

No. Notes

1. 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.

2. The required Transfer Application 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 Application form, the Schedule page or the survey plan will result in the documents being returned without consent.

3. For future reference, building permits are not available in areas without municipal organization, but all buildings are required to comply with the provisions of the Ontario Building Code. If you have any questions regarding the building code please direct your questions to the Building and Development Branch of the Ministry of Municipal Affairs and Housing, 16th Floor, 777 Bay Street, Toronto, Ontario M5G 2E5, at 416-585-6666, or at codeinfo@ontario.ca.
4. 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

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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*.

5. In the future, 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.
6. Please be advised of the following with respect to the retained and benefitting lots:
 - Water from nearby waterbodies 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*.
 - 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 wells be considered as drinking water sources, they must be constructed in accordance with Regulation 903 – Wells, under the *Ontario Water Resources Act*.
 - Additional lake water quality practices are listed in Appendix B of the Lakeshore Capacity Assessment Handbook (2010), which can be found at <https://www.ontario.ca/page/lakeshore-capacity-assessment-handbook-protecting-water-quality-inland-lakes-ontarios-precambrian-0>.
 - Small private sewage disposal facilities that have a daily sewage flow of 10,000 Litres or less per day must be certified by the local public health unit. If the sewage system is a large system (>10,000 Litres) or a communal system, it requires approval from MECP. The 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. It is recommended that sewage systems be located where native soils are deepest and as far as possible from water (minimum of 30 metres).
 - Domestic waste must be appropriately handled and disposed of at an MECP-approved waste disposal facility.

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Schedule A

