

**Ministry of Municipal
Affairs and Housing**

**Ministère des affaires
municipales et du logement**

Municipal Services Office
North (Sudbury)
159 Cedar Street, Suite 401
Sudbury ON P3E 6A5
Tel: 705-564-0120
Toll-free: 1-800-461-1193

Bureau des services aux
municipalités du Nord (Sudbury)
159 rue Cedar, bureau 401
Sudbury ON P3E 6A5
Tél.: 705 564-0120
Sans frais: 1-800-461-1193



May 3, 2024

Robert Weiss
Shining Tree Camps
120 Lakeshore Road, Hwy 560
Shining Tree, Ontario P0M 2X0
Email: shiningtreecamps@outlook.com

via email only

Subject: GRANTING OF PROVISIONAL CONSENT
Location: PIN 73187-0009, Pt mining claim WD 1427, Asquith unincorporated township, District of Sudbury
Owners: Shining Tree Camps – 2873916 Ontario Inc.
Contact: Robert Weiss
MMAH File: 52-C-220407

Dear Robert Weiss,

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)

Applicants: 2873916 Ontario Inc.
Contact: Robert Weiss

Date of Decision: May 2, 2024

File Number: 52-C-220407

Date of Notice: May 3, 2024

Municipality / Township: Asquith unincorporated township,
District of Sudbury

Last Date of Appeal: May 22, 2024

Location: 120 Lakeshore Road, Shining Tree, ON, Part mining claim WD 1427 (PIN 73187-0009; retained), and 122 Lakeshore Road (73187-0019; benefitting)

NOTICE OF DECISION

On Application for Consent Subsection 53(17) of the *Planning Act*

On May 2, 2024 the Minister of Municipal Affairs and Housing gave provisional consent to Application No. 52-C-220407 to transfer part of a commercial resort property to the neighbouring lot to allow the neighbour legal access to West Shining Tree Lake in Asquith unincorporated township, District of Sudbury. 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.

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

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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

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/index.php/notice/019-8074>.



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 lot addition of approximately 0.05 hectares of land (described as Part 1 in Schedule A) from PIN 73187-0009, locally known as 120 Lakeshore Road, to PIN 73187-0019, locally known as 122 Lakeshore Road, as applied for in the above noted application.
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. The Schedule will include 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 this consent approval relates.
3. That an application to consolidate the parcels is prepared and an undertaking from the person registering the documents shall be required agreeing to register the consolidations once the land transfers have been registered.
4. That prior to final approval, the Ministry must be advised in writing by Public Health Sudbury and Districts regarding the suitability of the retained and benefitting lots for sewage and water systems:
 - a. For the retained lot, the health unit should confirm:
 - i. With respect to water services, if the lot has more than five (5) service connections, the health unit must indicate that they approve of the water system.
 - b. For the benefitting lot:
 - i. That the existing septic system was installed with a valid permit and that it meets required clearance distances (as per Ontario regulations 358 and 903, and the Building Code) to the proposed lot lines.

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5. That prior to final approval, the Ministry must be provided written confirmation from the Ministry of Environment Conservation and Parks indicating that a satisfactory Record of Site Condition (RSC) and accompanying environmental site assessment (ESA), prepared by a qualified professional, is filed with MECP, as per Section 14(3) of Ontario Regulation 153/04 issued under the *Environmental Protection Act*, and that any required actions indicated in the RSC and ESA have been completed.
6. The subject lands are within the Ministry of Transportation's (MTO's) permit control area. Prior to final approval for consent, the owners of the retained and benefitting lots shall acquire applicable MTO permits:
 - a. For the retained lot (Shining Tree Camps):
 - i. A 'commercial entrance permit', which will come at no additional cost to the owner because the entrance is longstanding / existing.
 - ii. 'Building and land use permit(s)' for existing buildings and structures.
 - b. For the benefitting lot:
 - i. A 'residential entrance permit', which will come at no additional cost to the owner because the entrance is longstanding / existing.
 - ii. 'Building and land use permit(s)' for existing buildings and structures.

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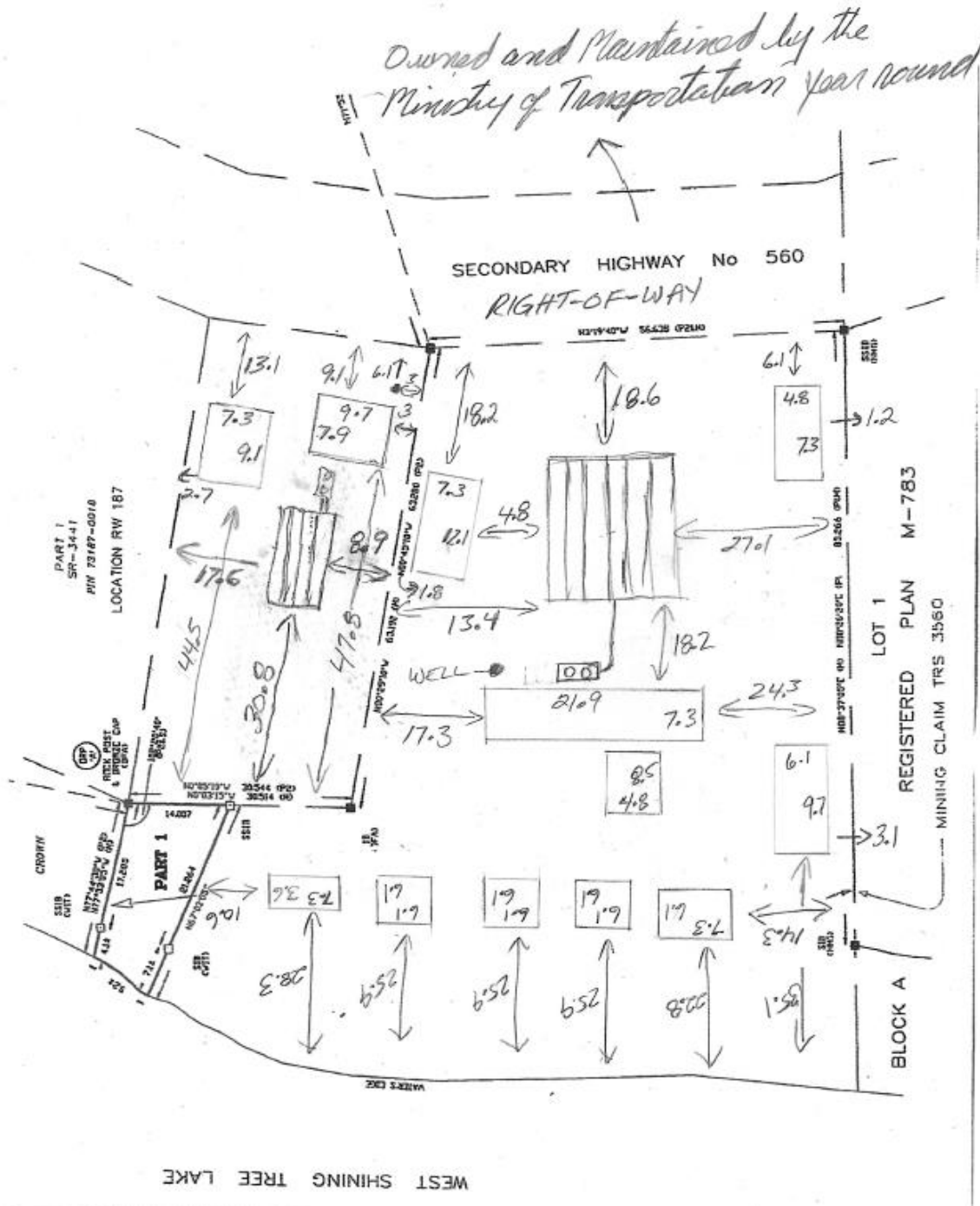
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Schedule A – Lot Addition labeled as Part 1



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The following notes are for your information:

No. 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. 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. 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*.
 - Total phosphorous concentrations in West Shining Tree Lake were last measured at 9.71 micrograms per Litre. To help total phosphorous concentration stay below the upper limit of 10 micrograms per Litre, please implement the 'Stormwater Best Management Practices for Camp Owners in Northeastern Ontario' (enclosed), which help maintain and improve lake water quality. In addition, the MECP strongly encourages you to participate in the Lake Partner Program.
 - Additional lake water quality practices are listed in Appendix B of the Lakeshore

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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.
 - The Building Code is effective throughout Ontario and owners are responsible for ensuring their buildings and structures meet the appropriate code.
4. The subject lands are in MTO's permit control area. MTO Permits can be requested online at <https://www.hcms.mto.gov.on.ca/>. Any questions can be directed to Natalie Dugas, Corridor Management Officer at natalie.dugas@ontario.ca. Please note, any future proposed buildings or structures on the retained or benefitting lots will be subject to MTO review.
 5. More information about Records of Site Condition can be found at the following link: <https://www.ontario.ca/page/submitting-record-site-condition>.
 6. West Shining Tree Lake is habitat for cisco, lake whitefish, northern pike, smallmouth bass, walleye, and yellow perch. Landowners are responsible for ensuring that all necessary measures are taken to protect fish habitat on their property. Approvals or permits from the Ministry of Natural Resources and Forestry (MNRF) and the department of Fisheries and Oceans Canada (DFO) under Section 35 of the Federal *Fisheries Act* may be required for projects in and around water.

Shorelines also pose potential flood hazards. Therefore, if development or site alteration is proposed along the shoreline, on Crown lakebed, and/or in fish habitat, please contact MNRF's Timmins Kirkland Lake District at 705-235-1300 or mnrf.tim.kl@ontario.ca.

Prior to any work being done in West Shining Tree Lake or within 120 metres thereof, please review the following DFO information and contact them, if applicable:

- 1) [Measures to protect fish and fish habitat \(dfo-mpo.gc.ca\)](#)

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2) [Request a review of your project near water: Step 1. What this service offers \(dfo-mpo.gc.ca\).](#)

7. Activities (such as land clearance, construction, or demolition of existing buildings) on the lots could pose a risk to species at risk or their habitat, and owners would need to determine if an *Endangered Species Act* authorization is required before the activities are undertaken. Please complete the "Client's Guide to Preliminary Screening for Species at Risk" (enclosed) and submit it to SAROntario@ontario.ca to determine if the proposed activities would be in contravention of the *Endangered Species Act*. Please visit "How to avoid authorization" and "Permit types" at <https://www.ontario.ca/page/how-get-endangered-species-act-permit-or-authorization> for more information.
8. The subject lands have archaeological potential based on provincial criteria in the Ministry of Citizenship and Multiculturalism's (MCM's) checklist, 'Criteria for Evaluating Archaeological Potential' (enclosed). Site alteration on lands in areas of archaeological potential can only occur once significant archaeological resources (if present) have been conserved.

Should site-alteration be proposed in the future on the subject lands, an archaeological assessment would be required to determine whether archaeological resources are present. For further information on archaeological assessments, and to view a list of licensed archaeologists in Ontario please visit:

- 1) <https://www.ontario.ca/page/archaeological-assessments> , and
- 2) <https://www.ontario.ca/page/archaeologists-licensed-ontario>.

Please be advised that a marine archaeological assessment may be required in circumstances such as shoreline alterations or the construction of docks. For more information, please refer to MCM's checklist, 'Criteria for Evaluating Marine Archaeological Potential' (enclosed).

Whether or not you are undertaking site alteration and/or an archaeological assessment has already been completed, you must notify the MCM at archaeology@ontario.ca if you discover that archaeological resources are impacted by any ground disturbing work on the property or adjacent lakebed. All activities impacting archaeological resources must cease immediately, and a licensed archaeologist is required to assess the resources in accordance with the *Ontario Heritage Act* and the 'Standards and Guidelines for Consultant Archaeologists'.

Likewise, 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

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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. Please be aware that there are two mining exploration shafts within one kilometre of the subject lands. The mining shafts could pose health and safety risks; caution is advised. For more information, contact the Mine Hazards Technical Specialist Emilie Trottier at emilie.trottier@ontario.ca.
10. If new sensitive land use buildings are proposed in future, a Noise Impact Feasibility Study is required. It should be prepared by a qualified professional and should follow MECP's 'Environmental Noise Guideline: Stationery and Transportation Sources Approval and Planning Publication NPC-300'. For more information on noise studies supporting development, please refer to Part C of Publication NPC-300 at www.ontario.ca/page/environmental-noise-guideline-stationary-and-transportation-sources-approval-and-planning.