

**Ministry of Municipal
Affairs and Housing**

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

**Ministère des affaires
municipales et du logement**

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



October 18, 2024

Barry Waitt
Ramsay Law Office
18 Armstrong Street
New Liskeard, ON P0J 1P0
Email: barry.ramsaylaw@gmail.com

via email only

Subject: GRANTING OF PROVISIONAL CONSENT
Location: PIN 61286-0124 (Lot 11, PL M280TIM) and 61286-0107 (Block A, PL M280TIM) (proposed severed), PT LOT 11, CON 5 Robillard unorganized township;
PIN 61286-0106 (proposed benefitting), PCL 19328, SEC. SST; Lot 12 PL M280TIM, Robillard T/W LT 190158, S/T LT:18489; District of Timiskaming
Owners: Mark and Donna Young
Agent: Barry Waitt
MMAH File: 54-C-237340

Dear Barry Waitt,

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: Mark and Donna Young
File Number: 54-C-237340
Municipality / Township: Robillard unincorporated township, District of Timiskaming
Location: PIN 61286-0124 and 61286-0107 (part of which to be severed), PT LOT 11, CON 5 Robillard unorganized township; PIN 61286-0106, PCL 19328, SEC. SST; Lot 12 PL M280TIM, Robillard T/W LT 190158, S/T LT:18489

Date of Decision: October 18, 2024
Date of Notice: October 18, 2024
Last Date of Appeal: November 7, 2024

NOTICE OF DECISION

On Application for Consent

Subsection 53(17) of the *Planning Act*

On October 18, 2024 the Minister of Municipal Affairs and Housing gave a provisional consent to Application No. 54-C-237340 in respect of land in the geographic township of Robillard, 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.

How to Receive a 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.

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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

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/019-8172>.

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 severance of approximately 0.11 hectares of land from PIN 61286-0107 (Block A) to be transferred to the owner of PIN 61286-0106, in the above noted location in Robillard Township, District of Timiskaming, as shown in schedule A below and forming part of this decision.
2. That the following documents be provided for the transaction described in Condition 1:
 - a. A copy of the application to transfer documents, including confirmation that the retained portion of PIN 61286-0107 ("Portion of Block A retained") will not be merged with PIN 61286-0124;
 - b. A schedule to application to transfer on which is set out the entire legal description of the parcel(s) in question. The legal description will note the common access rights to Block A (both retained and severed portions). The common access rights comprise of the benefit of enjoyment as park facility and open space in the nature of an easement appurtenant to lots 1 to 12 inclusive, with lots 1 to 12 being LT18489, LT180153, LT180154, LT180155, LT180156, LT180157, LT180158, LT181038, LT181096, LT192201, LT206831, and LT266820 of Plan M280TIM, Robillard. The Schedule must also contain:
 - i. the names of the parties indicated on application to transfer.
 - ii. description of an unstipulated consent, where the severance will benefit from subsection 50(12) of the *Planning Act*, and the transferred parcel ("Portion of Block A transferred") will not merge with the neighboring parcel also owned by the transferee;
 - 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.
 - d. An acknowledgement letter from applicants' solicitor acknowledging that a decision by MMAH to approve the consent is in no way a statement or endorsement about the appropriateness or legality of any current buildings or structures located on Block A lands.
3. That, prior to final approval, the applicant and his solicitor shall:

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- a. Apply to the Director of Titles for an entry to be made on the register that no transfer shall be made or charge created with respect to the lands unless the consent of the Manager, Community Planning and Development, Municipal Services Office North (Sudbury), Ministry of Municipal Affairs and Housing is given to the transfer or the creation of a charge.
 - b. Provide to the Ministry proof that the entry mentioned in Condition 3a has been made.
4. That prior to final approval, the Ministry must be advised in writing by the Timiskaming Public Health Unit whether the existing septic systems were installed with a valid permit, that they meet required clearance distances (as per Ontario regulations 358 and 903, and the Building Code) to the proposed lot lines, and that these systems are functioning satisfactorily or have been inspected. The letter will indicate whether, in the event of a failure of the existing systems, the proposed retained and receiving lots could accommodate a new septic system and leaching bed in compliance with the Building Code.

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Schedule A:



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The following notes are for your information:

No. Notes

1. For the lots for associated with this application, the Transfer/Deed of Land form and Schedule page shall contain complete and accurate legal descriptions. 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 your property:

- 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*.
- the 'Stormwater Best Management Practices for Camp Owners in Northeastern Ontario' (enclosed), help maintain and improve lake water quality by preventing localized increases in phosphorous, algae, and weeds along the shoreline. In addition, the Ministry of Environment Conservation and Parks (MECP) encourages you to participate in the Lake Partner Program.
 - Additional lake water quality practices are listed in Appendix B of the Lakeshore Capacity Assessment Handbook (2010), which can be found at

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<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. The health unit should be contacted for information on the proper installation and operation private 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. Long Lake along the Englehart River is habitat for fish species such as lake trout, cisco, lake whitefish, northern pike, smallmouth bass, walleye, white sucker and yellow perch. Landowners are responsible for ensuring that all necessary measures are taken to protect fish habitat. Approvals or permits from the Ministry of Natural Resources and Forestry (MNR) 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. If development or site alteration is planned along the shoreline and/or in fish habitat, please contact MNR's Timmins Kirkland Lake workcentre at 705-235-1300 or mnr.tim.kl@ontario.ca.

Prior to any work being done in Long 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 \(dfo-mpo.gc.ca\)](https://www.dfo-mpo.gc.ca/eng/protect-fish-habitat)
 - 2) [Request a review of your project near water: Step 1. What this service offers \(dfo-mpo.gc.ca\)](https://www.dfo-mpo.gc.ca/eng/request-review-project-near-water-step-1).
5. Shorelines pose potential flood hazards. The subject lands have frontage on Long Lake which is part of a regulated water system where water levels are subject to variation and associated shorelines are subject to erosion and flooding, including the potential for undercutting and ice damming. The water levels near the North end of Long lake are subject to rapid increase in water levels due to a natural constriction downriver. In the area, a standard for developments along the river is 30 metres from the water's edge to preserve public safety from shoreline hazards.

Should additional development be planned in the future, please contact MNR's Timmins Kirkland Lake workcentre at 705-235-1300 or mnr.tim.kl@ontario.ca; a hydrological report

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and floodplain mapping may be required, depending on the type of structure and its location.

6. The properties abut the Englehart River Fine Sand Plain and Waterway Provincial Park. Should work on the properties be planned in future, the following information from Ontario Parks (MECP) may be relevant. Prior to conducting any work in the park, Ontario Parks must be contacted at 705-280-6005 to advise on any permitting or authorization requirements. Section 22 of the *Provincial Parks and Conservation Reserves Act, 2006* (PPCRA) discusses the issuance of work permits.

“Work permits”

22 (1) Except in accordance with the terms and conditions of a work permit issued under this Act, no person shall, in a provincial park or conservation reserve, cause or permit, (a) the construction, expansion or placement of any building, structure or thing; (b) the construction of any trail or road; (c) the clearing of any land; (d) the filling of any shore lands; (d.1) the dredging of any shore lands or any lands covered by water; or (e) any activity permitted under section 17, 18, 19 or 20 that causes, results or is expected to result in a major disruption or impairment of the ecological integrity of a provincial park or conservation reserve. 2006, c. 12, s. 22 (1); 2020, c. 36, Sched. 40, s. 9.”

Further, the occupation of a protected area without authorization is prohibited in the PPCRA section 13 which states:

“Use and occupation of land”

*13 (1) Land in provincial parks and conservation reserves shall be used and occupied in accordance with this Act and the regulations. 2006, c. 12, s. 13 (1).
Prohibition*

(2) No person shall use or occupy land in a provincial park or conservation reserve except in accordance with this Act and the regulations. 2006, c. 12, s. 13 (2).”

7. The subject property is within 300 metres of a licensed aggregate site (ALPS ID 404070, Permit to the Ministry of Transportation Northeast Region New Liskeard). The location of the site is available on the Pits and Quarries online map via this link: <https://www.ontario.ca/page/find-pits-and-quarries>. If the aggregates permit holder proposes a significant site plan, consultation is required (as per the Section 37.2 *Aggregate Resources Act, 1990*). Likewise, if the landowners of the subject lands were to propose new dwelling(s) in the future, studies would be able to determine compatibility and develop appropriate setbacks. For more information, please contact MNRF’s

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Timmins Kirkland Lake workcentre at 705-235-1300 or mnrf.tim.kl@ontario.ca.

8. If development activities (e.g., tree clearing, demolition of existing buildings, site alteration) on the lots are planned, they could pose a risk to species at risk or their habitat, the *Endangered Species Act* may be triggered. Species at risk authorization would be required before the activities are undertaken. To determine whether planned work requires species at risk authorization, contact MECP at SAROntario@ontario.ca.
9. 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 planned 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'.

If human remains are encountered, all activities must cease immediately. Local police and the Registrar, Burials of the Ministry of Government and Consumer Services (416-326-8800) must be contacted. In case 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*.