

Applicant: Andrea Derungs
File No.: 60-C-234706
Municipality/Twp: Unincorporated Territory, in the District of Kenora
Subject Lands: PIN 42150-1808, part of Location D107, Thompson Island, Lake of the Woods, Unincorporated Territory, District of Kenora

Date of Decision: July 25, 2024
Date of Notice: July 25, 2024
Last Date of Appeal: August 14, 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. **60-C-234706** (east Lot 2) for the creation of one new resource-based recreational lot, as water access only, in respect of the land described as PIN 42150-1808, part of Location D107, Thompson Island, Lake of the Woods, Unincorporated Territory, 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 Madisyn Owen, 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

60-C-204006

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: Madisyn Owen, Planner
Telephone: (807) 632-1633

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/019-7693>



Victoria Kosny, Manager
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 the creation of one new water access parcel of land (proposed Lot 2), one (1) hectares in size, for resource-based recreational use, while a 26.9-hectare parcel would be retained.
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;
 - 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. That prior to final approval by this Ministry, a flowage easement to elevation 324.6 metres CGVD 1928 (Canadian Geodetic Survey Datum of 1928) is required on the severed and retained lands provided a flowage easement or hazard land zone to the level does not already exist. See note #3 for additional information.
4. 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 and retained 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 with a barge for accessing water access lots, and with a disposal facility that has sufficient reserve capacity to accept hauled sewage from the proposed lots. **(An unsigned letter was provided from the septic barge dated March 26, 2023, but not from the ECA approved septage disposal facility and hauler from the lake to the facility).**
4. 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 the future.
 - b. Should wells be considered as drinking water sources, they must be constructed

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in accordance with Regulation 903 – Wells, under the Ontario Water Resources Act.

- c. The water of Lake of the Woods 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
- 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 Northwestern 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 Northwestern 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. Public participation in the Lake Partner Program to assist in understanding the health of Ontario's Lakes is encouraged. For more information on the Lake Partner Program please see the following website: [Water sampling and testing \(inland lakes\) | ontario.ca](#).
- g. Wild rice (manoomin) habitat may be present along or abutting the shoreline of the proposed lots. Consider retaining a qualified professional to determine the presence of wild rice habitat before the removal of any aquatic vegetation on or within 100m of the shoreline. If wild rice is present or suspected to be present, consider the attached shoreline design concepts to avoid the disturbance and fragmentation of the habitat. Boat and dock activity should be minimized. Wild rice (manoomin) habitat and harvesting is protected under Treaty 3 and the Wild Rice Act, 1990. Lake users should recognize how their usage may affect the ecology along the lake edge which may harm aquatic vegetation habitat. For further information on remove aquatic plants, refer to this link: [Remove native aquatic plants | ontario.ca](#)
- h. If wildlife is encountered during construction, work should cease immediately and allow the animal to naturally move out of the construction zone. If the animal does not leave the area for a prolonged period of time, a qualified biologist should be consulted for response or mitigation measures. If an animal is injured or deceased or if a Species at Risk is found on the site, Ministry of the Environment, Conservation and Parks (MECP) SAR Ontario Branch (SAROntario@ontario.ca) should be contacted for guidance and handling. 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.
- i. 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:
 - o Avoid development next to the shoreline for a minimum of 30 metres;
 - o Appropriate site design (e.g. minimum 30 metre non-development zone

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- adjacent to the shoreline);
- Maintain or add vegetation along the shore and around the property;
- Locate sewage systems as far as possible from the shoreline where native soils are deepest, with any drinking water wells remaining upgradient;
- Using grassed swales and/or vegetated filter strips on lots that require ditching to control runoff;
- Directing roof leaders to rear yard ponding areas, soakaway pits or rain barrels;
- Directing sump pump foundation drains to rear ponding areas and infiltration trenches;
- refer to the fact sheet provided and Best Management Practices in Appendix B of the [Lakeshore Capacity Assessment Handbook: Protecting Water Quality in Inland Lakes | Ontario.ca](#)

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.

If the applicant(s), in making the application for consent,

- (a) requested that the certificate be given;
- (b) provided a registrable legal description of the retained land; and
- (c) provided a statement from an Ontario solicitor in good standing that there is no land abutting the subject land that is owned by the owner of the subject land other than land that could be conveyed without contravening section 50 of the Planning Act.

then the Minister will give the applicant a certificate for the retained land.

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:

Buildings and Development Branch
Ministry of Municipal Affairs and Housing
17th Floor, 777 Bay St.
Toronto, ON M5G 2E5

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Telephone: (416) 585-7041
codeinfo@ontario.ca

3. Clearance of Condition No. 3 is required from the Lake of the Woods Control Board. Please contact the Board to discuss fulfilling this condition:
Executive Engineer
secretariat@lwcb.ca
Lake of the Woods Control Board
Ottawa, ON K1A 0H3
Toll free from 1(800) 661-5922
www.lwcb.ca/beforeyoubuild/
4. Owners and prospective buyers should contact the Northwestern 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 Health Unit. The Health Unit can also provide information on construction requirements, including minimum distances required between sewage systems and sources of potable water.
5. 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 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.
6. Wild rice harvesting on provincial waterways is managed by the Ministry of Natural Resources and Forestry under the [Wild Rice Harvesting Act](#). A licence is required to harvest wild rice.
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 parcel 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.

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8. 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.**