

Applicant: Sara and Evan Michaud
File No.: 60-C-218169
Municipality/Twp: Unsurveyed Territory, District of Kenora
Subject Lands: **PIN 42150-3190**, the Northeast Half of Location FM 143; Parts 1 & 2, Plan 23R-14477 & Part 4, Plan 23R-4508; in Unsurveyed Territory, in the District of Kenora

Date of Decision: July 24, 2024
Date of Notice: July 24, 2024
Last Date of Appeal: August 13, 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-218169** for the creation of one (1) of two (2) new resource-based recreational water access lots in respect of land described as PIN 42150-3190, in Unsurveyed Territory, Ptarmigan Bay, 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 Chelsea Flegel, 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-217951

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: Chelsea Flegel, Planner
Telephone: (807) 630-8442

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/019-7261>



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 (2) 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 (1) of two (2) new resource-based, water access lots of 1.2 hectares, while 1.6 hectares would be retained, as applied for, in the above noted location in the Unsurveyed Territory, Ptarmigan Bay, in the District of Kenora.
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; 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 the consent approval relates; and/or a legal description of the lands to be severed which is acceptable to the land registrar.
 - d. A reference plan of survey, identifying the registered archaeological site described as DjKq-27, including a 20-metre buffer around the site located on the shoreline road allowance in front of proposed Lot 1, and archaeological site DjKq-7, including a 20-metre buffer around the site located on the shoreline road allowance in front of the retained lands.
3. That application, 60-C-217951 has been given provisional consent and has been submitted for finalization together with this application.
4. That prior to final approval, the Ministry must be advised in writing by the Northwestern Health Unit that both the severed and retained lands have been inspected and are suitable for the installation of a subsurface sewage system.
5. 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.
6. That prior to final approval by this Ministry, a letter from a local marina confirming that they have adequate space for parking and docking be provided.
7. 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:

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- a. Should the Crown shoreline road allowance be purchased and altered, a Stage 3 archaeological property assessment is required to completely delineate the found site in accordance with the Ministry of Citizenship and Multiculturalism (MCM). The assessment shall be undertaken by an archaeologist licensed under the Ontario Heritage Act, who will submit the report directly to MCM for review as per the terms and conditions of their license.
- b. In the case of future alterations in the water such as shoreline alterations or the construction of docks, a marine archaeological assessment must be undertaken by an archaeologist licensed under the *Ontario Heritage Act*.
- c. The Ministry of Natural Resources and Forestry (MNRF) advises that a permit approval under the *Public Lands Act* or the *Lakes and Rivers Improvements Act* may be required for any waterfront structures. For further information and applications, please contact the Ministry of Natural Resources Kenora District Office, P.O. Box 5080, 808 Robertson Street, Kenora, ON P9N 3X9, Tel (807) 468-2501.
- d. Property owners wishing to construct major work on the water including docks may be required to apply for approval under the Navigable Waters Protection Program. All in water construction must be a minimum of 5 metres from the property line. To determine if the waterway is minor, you should refer to the Minor Works and Waters (*Navigable Waters Protection Act*) Order at <https://tc.canada.ca/en/programs/navigation-protection-program/apply-npp>
- e. Cyanobacterial blooms can pose health risks to people swimming in and consuming water from the lake, therefore, water from 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;
- f. No assessment has been undertaken for groundwater quality or quantity. Groundwater supplies may not be adequate to support the use of individual private wells;
- g. Should wells be considered as drinking water sources on any of the lots, appropriate studies (such as a site-specific hydrogeological assessment) should be conducted to evaluate the potential for negative impacts in accordance with MECP Guideline D-5-4 "*Technical guideline for individual on-site sewage systems: Water Quality Impact Risk Assessment*".
- h. Wells must be constructed in accordance with Ontario Regulation 903 – Wells, under the Ontario Water Resources Act;
- i. Property 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](#)
- f. Care should be given when using raw lake water for bathing, washing dishes, swimming, or other uses as this could provide another pathway for exposure to potential impurities. Review of the attached Blue Green Algae

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Fact Sheet is recommended to improve awareness of the potential risk of algae blooms to drinking water safety;

- g. The owners should follow the direction included in the attached guidance, Stormwater Best Management Practices for Camp Owners in Northwestern Ontario. Appropriate stormwater management practices should be employed at lot level to minimize nutrient loadings from run off following storm events, including but not limited to the following:
- o Natural shoreline vegetation should be maintained;
 - o Lot grading and clearing and the creation of impervious surfaces should be minimized; and
 - o The use of fertilizers should be avoided.

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:

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

3. Clearance of Condition No. 5 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

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Ottawa, ON K1A 0H3
Toll free from 1(800) 661-5922
www.lwcb.ca/beforeyoubuild/

4. No further severances shall be permitted on either the severed or the retained lands.
5. 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.
6. 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.

7. 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.