

Applicant: Matthew and Shannon Wilson, Gordon Wiebe, & Corpfin Services Ltd. Date of Decision: July 4, 2024
File No.: 60-C-232107 Date of Notice: July 4, 2024
Municipality/Twp: Unsurveyed Territory, Pulfords Island, Lake of the Woods, District of Kenora Last Date of Appeal: July 24, 2024
Subject Lands: **PIN 42150-3172**; Lot 7, Plan 23M969; Surface Rights Only; District of Kenora; Subject to an Easement in Gross over Parts 14 & 15, 23R12465 as in KN72648; **PIN 42150-3173**; Lot 8, Plan 23M969; Surface Rights Only; District of Kenora; Subject to an Easement in Gross over Parts 16 & 17, 23R12465 as in KN72648; **PIN 42150-3174**; Lot 9, Plan 23M969; Surface Rights Only; District of Kenora; Subject to an easement in Gross over Parts 18 & 19, 23R12465 as in KN72648; Pulfords Island, Lake of the Woods, District of Kenora

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 provisional consent for a lot addition to **Application No. 60-C-232107** in respect of land in the Unsurveyed Territory 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.

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

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.

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:

The notice of appeal should be sent to the attention of Chelsea Flegel, Planner at the address shown below and it must,

College Park
5th Floor, 777 Bay Street
Toronto, ON
M7A 2J3

- (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.

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>.

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.

The notice for this application is available to view on the ERO at <https://ero.ontario.ca/notice/019-8391>

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

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 (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 permit a lot addition of 0.379 hectares, to be transferred from PIN 42150-3173 to be added to PIN 42150-3172, with the remainder of PIN 42150-3173 of 0.402 hectares to be added to PIN 42150-3174 in the above noted location in Unsurveyed Territory, Pulfords Island, Lake of the Woods, 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.
3. That prior to a certificate of consent being provided for both the severed and retained lands, the application to consolidate the parcels must be 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 for:
 - a. That the northern half of PIN 42150-3173, Lot 8 of approximately 0.379 hectares will be added to PIN 42150-3172, Lot 7;
 - b. That the southern half of PIN 42150-3173, Lot 8 of approximately 0.402 hectares will be added to PIN 42150-3174, Lot 9;
4. That prior to final approval, the Ministry must be advised by the Northwestern Health Unit that the retained lands 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.

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5. That prior to final approval, this Ministry is to be provided written confirmation of 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 an approved septage disposal facility, referencing the disposal facility and the related Ministry of the Environment, Conservation and Parks (MECP) approval, and confirming that the disposal facility has sufficient reserve capacity to accept hauled sewage from the proposed severed lot.
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 for both the retained and severed lots.

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

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Telephone: (416) 585-7000

3. 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.
4. 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 lot 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.
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. 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

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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.

Because this consent application is for a lot addition, subsection (3) or (5) of Section 50 of the Planning Act, R.S.O. 1990, shall apply, to any subsequent conveyance or transaction. This will be set out in the Certificate of the Transfer/Deed of Land form upon endorsement by the Minister.