

**File No.:** SUB2023-001  
**Owner:** Split Crow Partners Ltd.  
(Known as the Developer)  
**Agent:** Kristine Lang  
**Location:** Lot 7, Conc. IV excepting Part 1, Plan 31R-2831 and Lot , Conc. IV  
(Located at #18 Tracy Road)  
Township of Carnarvon, Municipality of Central Manitoulin  
District of Manitoulin

**Date of Decision:** November 26<sup>th</sup>, 2024  
**Date of Notice:** November 29<sup>th</sup>, 2024  
**Last Date of Appeal:** December 19<sup>th</sup>, 2024

## **NOTICE OF DECISION**

### **On Application for Approval of Draft Plan of Subdivision/Condominium Subsection 51(37) of the Planning Act**

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Approval of Draft Plan of Subdivision/Condominium to the application in respect of the subject lands noted above, is proposed to be given by the Manitoulin Planning Board.

#### **When and How to File An Appeal**

Notice to appeal the decision to the Ontario Land Tribunal (OLT) must be filed with the Manitoulin Planning Board no later than 20 days from the date of this notice as shown above as the last date of appeal.

The notice of appeal should be sent to the attention of the Secretary-Treasurer 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 payable by certified cheque to the Minister of Finance, Province of Ontario.

#### **Who Can File An Appeal**

Only individuals, corporations or public bodies may appeal the decision of the Manitoulin Planning Board to the Ontario Land Tribunal (OLT). An appeal may not be filed by an unincorporated association or group. However, a notice of appeal may be filed in the name of an individual who is a member of the association or group.

#### **Right of Applicant or Public Body to Appeal Conditions**

The applicant or any public body may, at any time before the final plan of subdivision/ condominium is approved, appeal any of the conditions imposed by the Manitoulin Planning Board to the Ontario Land Tribunal (OLT) by filing with the Secretary-Treasurer, a notice of appeal.

#### **How to receive Notice of Changed Conditions**

The conditions of an approval of draft plan of subdivision/condominium may be changed at any time before the final approval is given.

You will be entitled to receive notice of any changes to the conditions of approval of draft plan of subdivision/condominium if you have either,

- (1) made a written request to be notified of the decision to give or refuse to give approval of draft plan of subdivision/condominium, or
- (2) make a written request to be notified of changes to the conditions of approval of the draft plan of subdivision/condominium.

**Other Related Applications:** None

#### **Contents:**

The applicants are proposing a thirty-nine (39) lot Plan of Subdivision for year round residential uses.

#### **Getting Additional Information**

Additional Information about the application is available for public inspection during regular office hours at the Manitoulin Planning Board at the address noted below or from the office of the municipality noted above, if a written request has been provided.

#### **Mailing address for Filing a Notice of Appeal**

Manitoulin Planning Board  
40 Water Street, Unit 1  
PO Box 240  
Gore Bay ON P0P 1H0

Attention: Theresa Carlisle,  
Secretary-Treasurer  
Email: [mpbcarlisle@bellnet.ca](mailto:mpbcarlisle@bellnet.ca)  
Tel: (705) 282-2237  
Fax: (705) 282-3142

**File No.:** SUB2023-001  
**Owner:** Split Crow Inc.  
**Location:** Lot 7 Conc. IV Excepting Part 1 Plan 31R-2831, and  
Lot 8 Concession IV  
(#18 Tracy Road)  
Township of Carnarvon  
Municipality of Central Manitoulin  
District of Manitoulin

The Manitoulin Planning Board conditions to final plan approval for registration of this Subdivision are as follows:

**No. Conditions of Draft Approval**

1. That this draft approval applies to the Plan of Subdivision for Split Crow Partners Ltd. (the "Developer") for land described as being Lot 7, Conc. IV excepting Part 1, Plan 31R-2831 and Lot 8, Conc. IV, (Located at #18 Tracy Road), Geographic Township of Carnarvon, within the Municipality of Central Manitoulin The "Municipality", District of Manitoulin which shows a total of thirty-nine (39) lots proposed to be developed for year-round residential as shown on the plan prepared by Keatley Surveying Ltd., dated January 18th, 2023.
2. That this approval expires three (3) years from the date of approval. If there is an appeal to the Ontario Land Tribunal (OLT) under Section 51(39) of the Planning Act, the three (3) year expiration period shall not begin until the date of the order of the OLT issued in respect of the appeal or from the date of a notice issued by the OLT under Section 52(51) of the Planning Act.
3. That the M-Plan shall be registered following the satisfaction of the pre-registration conditions contained herein.
4. That prior to the registration of the M-Plan the road within the subdivision be named to the satisfaction of the Municipality.
5. Prior to registration of the M-plan, the Owner agrees to provide the lot frontage, area and site-specific information as necessary to ensure that all lots and blocks conform to the Zoning By-law.
6. That prior to the registration of the M-plan, the Owner agrees that land uses proposed within the plan of subdivision shall conform to the Zoning By-law.
7. That prior to registration of the M-Plan the municipal road shown in the plan of subdivision designated as a municipal road be designed and constructed in accordance with current municipal standards established in By-law 2014-05 and otherwise satisfactory to the Municipality. This includes the requirement for a cul-de-sac at the terminus of the road.
8. That prior to grading or other works, the Developer shall obtain a Road Occupancy Permit/ Entrance Permit from the Municipality.
9. That prior to registration of the M-Plan, the Developer demonstrate through a traffic impact study/report from the Developer's consulting engineer that the Municipal Road, known as Tracy Road, will support the additional development of Thirty-Nine (39) new lots as proposed, satisfactory to the Municipality, and Planning Board.
10. That prior to registration of the M-Plan, the Developer shall provide confirmation that municipal garbage collection and/or waste disposal services are available to support the additional development of Thirty-Nine (39) new lots as proposed, satisfactory to the Municipality.
11. That prior to registration of the M-Plan, the Developer provides the location for a centralized mail delivery or other alternative system as may be customarily required by Canada Post Corporation in the Municipality, acceptable to Canada Post and the Municipality, and provide written confirmation to the Planning Board.
12. That the Developer convey immediately subsequent to the registration of the M-Plan any easements as deemed necessary by Bell Canada or other communication/telecommunication facilities to service the new development, at the Developer's expense and copies of any registered easements will be provided to the Planning Board and written confirmation shall be provided by Bell Canada or other communication/telecommunication services to confirm that they are satisfied.

13. That the Developer prior to the registration of the M-Plan shall obtain approval from Hydro One for the provision of electrical service to all lots in the M-Plan which approval may include conditions Hydro One may impose to provide electrical service and require such conditions be included in each Agreement of Purchase and Sale for lots in the plan of subdivision. A copy of the Hydro One Plan and confirmation of Hydro One's approval shall be provided to the Municipality and Planning Board.
14. That prior to Registration of the M-Plan the Developer should only remove trees to the extent necessary to complete any required surveys or studies. Tree removal shall be limited to the extent feasible.
15. That prior to the registration of the M-Plan, the Developer enter into a Subdivision Agreement with the Municipality to be registered against the lands included in the M-Plan. The Subdivision Agreement shall be in the Municipality's customary form and contain such provisions as reasonably necessary to implement the draft plan conditions and construct the road, electrical supply and comply with drainage requirements for the proposed 39 lot Plan of Subdivision including terms that satisfy the financial, servicing, and other requirements of the Municipality and Planning Board.
16. That immediately subsequent to the registration of the M-Plan the Developer shall convey to the appropriate authority any lands or easements identified and required by any utility or the Municipality for utility or drainage purposes. All such conveyances and easements, to the extent not shown as a block on the M-Plan, shall be described by reference plan and shall be shown on a markup of the final subdivision plan, shall be dedicated/granted to the Municipality or to the appropriate authority at the Developer's expense, and shall be free of all encumbrances, satisfactory to the Municipality and Planning Board.
17. That no development, site alternation or works shall occur within the land subject to the plan of subdivision unless otherwise stated in writing, until the Developer has entered into a Subdivision Agreement with the Municipality as approved by the Planning Board.
18. That prior to registration, the Developer shall provide to the Municipality, for its review and approval, engineering drawings for and to construct to the specifications of and satisfaction of the Municipality planned road works, drainage works, and installation of the electrical utility satisfactory to the Municipality and Planning Board.
19. That immediately following the registration of an M-Plan, the Developer shall convey to the Municipality, up to five percent (5%) of the land included in the plan for park or public recreational purposes. The frontage and area of the parcel that comprises the parkland dedication shall satisfy the minimum lot frontage and area requirements of the appropriate Municipal zoning by-law. Alternatively, the Municipality may require cash-in-lieu of all, or a portion of the Park dedication requirement based on five percent (5%) of the appraised value of the land included in the draft plan of subdivision (at the value immediately before draft approval).
20. That the Developer prior to the commencement of construction of the road within the plan of subdivision provides a letter of credit or cash in an amount estimated by the Developer and the Municipality to be the cost of the maintenance of Tracy Road during the construction of the road within the Plan of Subdivision satisfactory to the Municipality.
21. That prior to the registration of the M-Plan, the Developer shall provide a report from a qualified engineer or other water resource professional that each of the lots in the plan of subdivision may be serviced by a drinking water supply from Lake Mindemoya. If a drilled well is proposed, prior to registration, the Owner of the lot shall provide a hydrogeological assessment, satisfactory to the Planning Board. Prior to the application for a building permit for each lot, the owner of the lot shall be required to provide an acceptable treatment option to the Municipality where water will be supplied to the dwelling from Lake Mindemoya. This condition shall be included in all Agreements of Purchase and Sale for any lots in the plan of subdivision.
22. That prior to registration of the M-Plan, the Developer provide a report from a Civil or Hydrological Engineer which demonstrates lots in the subdivision may be serviced by a septic system that is compliant with current laws and regulations. The Municipality acknowledges the receipt and acceptance of the Hydrogeological Assessment

Report, prepared by Exp Services Inc., dated October 20, 2023 and updated October 24, 2024, which provides the requirements for septic systems in respect of the plan of subdivision. All septic systems installed in the plan of subdivision on each lot shall be required to be compliant with the EXP Services Inc. report as amended. Reference to the report and the requirement of a lot owner to comply with the report shall be included in the Subdivision Agreement and required to be included in each agreement of purchase and sale with any purchaser of a lot or lots in the plan of subdivision. Septic bed installation on each lot will be encouraged to be installed as far from the lake shore line as practical in the circumstances. However, all must comply with local zoning regulations and any amendments thereto.

23. That prior to the registration of the M-Plan, the Developer confirm their concurrence that they will include a clause within the PSA that recognizes the benefits of tertiary systems and recommending their use.
24. That the Developer shall provide a storm water management plan prepared by a professional engineer utilizing the Municipality's specifications, best management practices and appropriate measures to manage storm runoff, both during and after construction. In addition, the report shall address any slope stability or issues associated with the development of the plan of subdivision. Any recommendations forthcoming from the storm water management plan shall be incorporated into the final subdivision design to the satisfaction of and at no expense to the Municipality or Planning Board.
25. That prior to the registration of the M-Plan, the Developer shall carry out an Environmental Impact Study (EIS) of the entire land area included in the plan of subdivision which demonstrates there are no material adverse effects on Natural Heritage Features (NHF) including Lake Mindemoya, Species at Risk (if any), Fish Habitat etc. The Report shall also provide recommendations for minimizing the impact of development along the shoreline, including protection of existing vegetation and trees and providing recommendations for the development of the lots within the yard abutting the water. Any recommendations in the EIS for further studies of any specific matter, any further studies required by an authority having jurisdiction over a particular matter or any work(s) required to minimize negative effects on the natural environment shall be the responsibility of the Developer at the Developer's expense, incorporated into the final Subdivision Agreement and be to the satisfaction of the applicable authority including the Municipality and Planning Board.
26. That prior to registration of the M-Plan, the owner/developer shall carry out a Stage Three Archaeological Assessment by a licensed archaeologist as recommended by the Stage Two Archeological Assessment Report and mitigate through preservation or resource removal and documentation adverse impacts to any significant archaeological resources found. This report shall be accompanied by a clearance letter from the Ministry of Heritage, Sport, Tourism and Culture advising they are satisfied with the assessment report. If a Stage Four Archeological Assessment or additional Archeological Assessment is recommended by or as a result of the Stage Three Assessment, then same shall be undertaken by a licensed archaeologist in accordance with his/her recommendations. This report shall be accompanied by a clearance letter from the Ministry of Heritage, Sport, Tourism and Culture advising they are satisfied with the assessment report.
27. The Developer acknowledges and agrees that it is solely responsible for obtaining all permits and authorizations from all appropriate authorities having jurisdiction that may be necessary and/or advisable relating to the development proposed on the subject lands, including as appropriate, (Ministry of Natural Resources and Forestry, Ministry of the Environment Conservation and Parks, Department of Fisheries and Oceans, Municipality of Central Manitoulin) and this provision shall be included in the Subdivision Agreement. To the extent any such permissions or authorizations are required at the building permit stage, the owner of the lot applying for such permission or authority shall be responsible for same and this provision shall be included in the Subdivision Agreement and all Agreements of Purchase and Sale of lots in the plan of subdivision.
28. That prior to registration of the M-Plan, the Developer shall submit to the Manitoulin Planning Board, the following:
  - i. a statement from the Municipality of Central Manitoulin showing all municipal taxes have been paid for the subject land; and
  - ii. a tax certificate or written statement that there are no outstanding school board taxes.

29. That prior to the final approval by the Planning Board, or any Phase thereof, the Board is advised in writing by the Municipality of Central Manitoulin that Conditions 3 through 8 inclusive, 10, 11, 12, 13, and 15 through 24 inclusive, have been satisfied.
30. That the final subdivision plan approved by the Manitoulin Planning Board, or any Phase thereof, must be registered within one (1) year of the date on which the approval is in final non-appealable form, or the Planning Board may withdraw its approval under subsection 51(59) of the Planning Act, R.S.O 1990.
31. For the purposes of these draft plan conditions and any terms and conditions of the subdivision agreement, any matter expressed to be to the satisfaction of the Municipality and/or Planning Board or other similar wording as to the approval by such authority shall mean to the reasonable satisfaction of the Municipality or Planning Board.
32. Pursuant to Subsection 51(32) of the Planning Act, the final approval of the Plan of Subdivision, will lapse as of three (3) years from the date of approval which will be **November 29<sup>th</sup>, 2027** in no appealable form.

Notes: It is the applicant's responsibility to fulfill the conditions of draft approval within the appropriate time frame and to ensure that the required reports and clearance letters are forwarded to the Manitoulin Planning Board.

The approval may be extended pursuant to subsection 51(33) of the Act, but an extension may not be granted once the approval has lapsed. Extensions to Draft approval may be considered provided that existing technical reports remain applicable, or updates are provided, and the provisions of the Draft conditions, if amended, are met.

A request for extension must be made at least 60 days before the approval lapses. The request shall include the reasons why an extension is needed and be accompanied by a resolution from the Municipality in support of the extension.