



MANITOULIN PLANNING BOARD

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October 29, 2025

MINUTES OF PLANNING BOARD MEETING - October 28, 2025

At a Meeting of the Manitoulin Planning Board held at the Planning Board Office, Gore Bay, Ontario, on Tuesday, October 28th, 2025 at 7:00 p.m., the following Members of Planning Board were present:

- | | | | |
|----|-----------|----|-------------|
| 1. | L. Hayden | 4. | B. Barker |
| 2. | K. Noland | 5. | R. Stephens |
| 3. | D. Head | 6. | D. Osborne |

Regrets: L. Chappell and D. McDowell

Absent: J. DeForge

There were no interested parties or members of the general public or press in attendance.

The meeting was called to order at 7:00 p.m., by Chair L. Hayden, who welcomed all present.

The Chair asked if there were any Board Members who wished to declare a conflict of interest with any of the items listed on the agenda or having to do with the previous Board Meeting held on August 26th, 2025.

There were no conflicts declared.

1. ORDER OF BUSINESS

The Chair requested the adoption of the order of business.

The Secretary-Treasurer requested the addition of two items with the current item 10. (In-Camera) being moved to new item 12.; Bank of Montreal being added as new item 10.; and Bell Canada being added as new item 11.

MOTION

It was moved by B. Barker and seconded by D. Osborne that the Order of Business be adopted as amended,
- Carried.

2. MINUTES OF PREVIOUS BOARD MEETING - August 26th, 2025

The Chair announced that the Minutes of the Board Meeting held on August 26th, 2025 had been circulated to the Board Members and requested that any errors or omissions be stated.

There was none.

MOTION

It was moved by K. Noland and seconded by R. Stephens that the Minutes be adopted,
- Carried.

BUSINESS ARISING FROM MINUTES OF THE PREVIOUS BOARD MEETING - August 26th, 2025

There was none.

3. VARIABLE EXPENDITURES

Board Member R. Stephens asked about the new computer.

MOTION

It was moved by D. Head and seconded by B. Barker that the variable expenditures be accepted as presented,
- Carried Unanimously.

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4. PRESENTATION OF APPLICATIONS FOR CONSENT TO SEVER

The Chair announced that the applications for consent to sever would now be heard.

Note: For the sake of continuity the details and decisions of the presentations will be recorded in the usual fashion toward the end of the Minutes.

5. MRF GEOSYSTEMS PLANNING & DEVELOPMENT, AND BUILDING & PUBLIC SUBMISSIONS PORTAL

The Secretary-Treasurer reported that this topic had been discussed during the August 26th, 2025 Planning Board Meeting. The general consensus of the Board was that this system is costly and that the item would be tabled and may be considered again during budget time.

Mr. Diebolt, staff member, was directed to provide a report to the Board with the pros and cons of the system and how a similar cloud permit system is working for the Municipality of Central Manitoulin and the Township of Assiginack and provide a cost comparison of the systems.

The Secretary-Treasurer read his report with the information requested by the Board.

The Board had previously reviewed a draft proposal by MRF Geosystems to provide an online service to process Building Permits and Planning Applications, which included the use of a Geographic Information System (GIS) of parcel mapping provided through an online application. Some of the Board's current GIS mapping would need to be copied and modified to work with the system:

- The current parcel mapping would have to be uploaded and modified to work with the system

- Updated base map layers (roads, buildings, addressing, etc.) would have to be uploaded

- The zoning layers for participating municipalities would have to be consolidated and the zoning information embedded in the parcel mapping; parcels with multiple zones would need manual data entry for each parcel.

This would represent several days of work depending on how the data needs to be modified.

The Board's application process would need to be changed to be fully digital as applications would be made through the online portal using the a map browser. It is not clear how signatures would be commissioned or validated. It may be necessary to maintain two separate sets of planning data if the changes required by MRF would make the data incompatible with our internal use.

MRF Geosystems has a \$20,000 annual fee for each of the Building Permit and Planning and Development module, with \$2,500.00 for the public portal, for an annual total cost of ±\$42,500.00 for a complete system.

For comparison, Central Manitoulin's use of Cloud Permit, a similar system for tracking building permits only, has an annual fee of \$5,000.00 (with a 5 year contract), and a \$2,000.00 one time startup and training fee, for an annual total cost of ±\$5,400.00 for the system.

Assiginack's Cloud Permit system has an annual fee of \$8,814.00 (with a 3 year contract), with a bylaw licensing fee of \$3,390.00 and initial set up fees of \$1,000.00 + \$2,500.00 to import historical data. The annual total cost of ±\$5,295.00 for a complete system.

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6. i) ESRI CANADA WEBINAR - OCTOBER 21ST, 2025

The Secretary-Treasurer advised that Staff Member, J. Diebolt, had participated in a free webinar (Digital Tools for Planners) provided by Esri Canada on October 2nd, 2025. The webinar demonstrated the use of the ArcGIS Pro Urban extension program for planning-related Geographic Information System (GIS) work. The extension allows: the importing of digital building models direct from proponents to be viewed and placed in the GIS to give a 3D visualization of the new development; direct sharing of data between Planning staff, developers and the public on online maps; and automated systems to analyze the impacts of new planning policies and regulations on development (e.g. increased density, lot coverage, lot size, affordable housing etc).

ii) ARCGIS (ONLINE) PRO LICENCES

The Secretary-Treasurer explained that the Planning Board Office is in the process of changing from the ArcReader Program to the ArcReader (online) GIS Pro Program. This was targeted for the end of September. However, the intent is to have the transition done before the end of November 2025.

The (2025) budgeted item for the licences and online viewer and storage of the data was \$6,400.00 which includes an annual maintenance fee of ±\$5,400.00. The Maintenance fee will not be required for the year 2025.

Esri Canada has provided two invoices for two different contracts, for annual subscription costs for ArcGIS online with user and viewer options, depending on the users and which option the Planning Board considers.

Option One: \$2350.40 (including HST) would be for the Manitoulin Planning Board Staff.

Option Two: \$6,248.90 (including HST) would be for both Planning Board Staff and the Member Municipalities

Discussion was had regarding the two invoices and what changes if any this would mean to the member municipalities of having access and support of the new system.

She explained that Planning Board staff will continue to provide support to all member municipalities and that the contract can be amended to add additional viewers if required, at a later date.

MOTION

It was moved by D. Osborne and seconded by K. Noland that the Secretary-Treasurer be authorized to sign the annual subscription quote for Option One in the amount of \$2,350.40 including HST,

- Carried Unanimously.

7. 2025 AUDITOR

The Secretary-Treasurer reported that at the February 24th, 2025 Planning Board Meeting the Board had directed her to further investigate auditor costs and obtain confirmation from other Financial Firms that would take on the 2025 Planning Board Audit.

She had sent out seven requests and two firms have confirmed that they would consider conducting the 2026 Manitoulin Planning Board Audit for the year 2025. However, both quotes are comparable to the invoiced amount for the 2024 audit; within ±\$2,000.00.

The general consensus of the Board was to continue with the current auditor for the year 2026 and the 2025 audit.

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8. CANADA POST

The Secretary-Treasurer explained that with the recent Canada Post strike, Notice of planning applications could not be mailed to neighbouring property owners and were put on hold. Staff cannot/could not obtain all phone numbers/cell phone numbers or all email addresses to conduct a formal circulation for Notice of the applications. This is critical, especially for out-of-town landowners.

The Planning Act allows for Notice to be given in a local newspaper. This may not be a good solution as the local paper needs to be picked up from the local newspaper office. Notices could be missed or received late if the paper is not picked up and the cost to place an advertisement in the local paper is about \$150.00, depending on the size of the ad.

She had placed an advertisement in the local paper and put a Notice on the Manitoulin Planning Board website and on the Office door to the effect that:

'in the event of another postal strike, Notices for planning applications will be available on the Manitoulin Planning Board website and posted on the Office door.'

The following motion resulted:

MOTION

It was moved by B. Barker and seconded by R. Stephens that Notices for Planning Applications, in the event of a postal strike, will be made available on the Manitoulin Planning Board website www.manitoulinplanning.ca and posted at the Planning Board Office door and at the discretion of the Secretary-Treasurer,
- Carried Unanimously.

**9. NORTHERN ONTARIO HERITAGE FUND CORPORATION (NOHFC)
- YOUTH INTERNSHIP PROGRAM**

The Secretary-Treasurer reported that the list of applicants for the youth Internship program had been narrowed down to four. A 'committee' of the Board and the two staff members had conducted electronic interviews on September 19th, 2025. Of the four applicants that were interviewed, two had been considered for a 2nd interview. One in-person interview was conducted on October 15th, 2025 and the other in-person interview was conducted on October 23rd, 2025.

She advised that this item would be discussed further during the In-Camera session, under item 12.

10. BANK OF MONTREAL

The Secretary-Treasurer reported that due to the Bank balance for the Manitoulin Planning Board Business account, she has requested a change to the account Plan from a monthly fee of \$80.00 (which is waived) to a monthly Plan fee of \$22.50, effective November 1st, 2025. The Bank of Montreal requires a letter of authorization from the Board to do this, signed by two of the signing Officers.

MOTION

It was moved by D. Osborne and seconded by K. Noland that the Manitoulin Planning Board authorizes the Chair and the Secretary-Treasurer to sign a letter to the Bank of Montreal requesting a change in the monthly Plan fee from \$80.00 to \$22.50,
- Carried Unanimously.

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11. BELL CANADA

The Secretary-Treasurer reported that Bell Canada has offered the Manitoulin Planning Board a "*Special Offer for a valued customer*" of unlimited internet service added to the existing Office phone lines for a period of three years. This could be a 'back-up' internet service and would lower the monthly phone bill from ±\$128.00 to ±\$100.00 (not including taxes). Bell Canada will waive the installation fees and add a one-time credit of \$300.00 as a thank you. This would result in a savings of about \$27.00 per month and over the next three years would be a savings of about \$1250.00.

Discussion resulted in the following motion:

MOTION

It was moved by B. Barker and seconded by D. Osborne that the Secretary-Treasurer is instructed to take advantage of Bell Canada's "Special Offer",
- Carried Unanimously.

12. IN CAMERA

MOTION

It was moved by D. Head and seconded by R. Stephens that the Board go In Camera at 8:39 p.m. to review previous in camera meeting minutes and to discuss matters about identifiable individuals.
- Carried Unanimously.

MOTION

It was moved by B. Barker and seconded by R. Stephens that the Board rise from the In Camera session at 9:07 p.m.,
- Carried Unanimously.

It is noted that items were discussed and motions were passed during the In-Camera Session. The Secretary-Treasurer is directed to carry out the instructions of the Board, as discussed during the In-Camera Session.

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Application File No's.: B16-25 and B17-25 No. of Members Present: 6
Date of Decision: [August 26, 2025 -Deferred] October 28, 2025
Location of Property: Lot 28, Conc. IX and Lot 29, Conc. IX, surveyed as Part 3, Plan RR-109 and Part 4, Plan RR-109 excepting Part 1, Plan 31R-4069, Township of Gordon, Municipality of Goprdon/Barrie Island, District of Manitoulin

DECISION

The purpose of this application made under Section 53(1) of the Planning Act by Patrick Ramsey and Robert Halliday on behalf of Kevin and Donna Hazlett is to provide for the creation of two new lots for rural residential uses.

File No. B16-25 proposes a new lot having frontages of ± 76.2 M. along Julia Bay of Lake Huron and a required minimum frontage of ± 45 M. along Highway No. 540A, a provincially maintained highway, and an average depth of ± 81.5 M., thereby containing an area of ± 0.83 Hec. There are no structures within this lot.

File No. B17-25 proposes a new lot having frontages of ± 76.2 M. along Julia Bay of Lake Huron and a required minimum frontage of ± 45 M. along Highway No. 540A, a provincially maintained Highway, and an average depth of ± 118.6 M., thereby containing an area of ± 1.47 Hec. There are no structures within this lot.

The land to be retained has frontages of ± 826.74 M. along Julia Bay of Lake Huron and ± 786.0 M. along Highway No. 540A, a provincially maintained Highway, and a depth along the easterly boundary of ± 915.1 M., thereby containing an area of ± 37.12 Hec. The applicants' seasonal dwelling, garage, two sheds, an outhouse (privy), and a sewage lift station are located within this land.

The Municipality has advised that they have no building permits for the structures. Building permit information was requested from P. Ramsey and he advised that the buildings/structures were built prior to Mr. and Mrs. Hazlett taking ownership of the property in June 2019 and they do not have any building permit information.

There has been a previous application for Consent to Sever, File No. B22-16, involving the subject land that created a new lot located to the south west, surveyed as Part 1, Plan 31R-4069.

The subject land has been designated Rural Area in the Official Plan for the District of Manitoulin and zoned Rural (RU) according to the Municipal Zoning By-law No. 2022-016.

Official Plan Policy E.2.3. - PRIVATE WATER AND SEWAGE SERVICES - under 6. states;
'Potable water for new development will be provided in accordance with the Province's guidelines'.

The Provincial D-5-5 Guidelines require a minimum flow rate of 13.7 litres/per minute of potable water to be available for a permanent (year round) residential use.

If year round residential uses are proposed proof of potable (drinking/cooking) water that would conform to the Provincial requirements, may be required at the building permit stage.

The Municipal Zoning By-law No. 2022-016, under Section 12.0, permits a single family detached dwelling or a seasonal dwelling in the Rural Zone.

The application was circulated on May 23rd, 2025, to the United Chiefs and Councils of Mnidoo Mnising (UCCMM) and the Wiikwemkoong Unceded Territory, as per Official Plan Policy F.5 - Consultation and Engagement.

The UCCMM have not provided any comments or concerns regarding the application, or requested additional time to do so.

The Wiikwemkoong Unceded Territory have not provided any comments or concerns regarding the application, or requested additional time to do so.

According to the application, services for the retained land consist of a private individual septic system and water obtained from Lake Huron. Services for the severed lands are proposed to be the same.

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Application File No's. B16-25 and B17-25
August 26, 2025 - continued

The Public Health Sudbury and District (PHSD) have advised they have no concerns as it appears that the proposed severed and retained lots are capable of development for installation of a septic tank and leaching bed system.

Access is via an existing entrance, #664 Highway No. 540A. The proposed severed lots are to have separate entrances from Highway No. 540A, a provincially maintained highway.

Cameron Cole, Ontario Ministry of Transportation (MTO) provided the following comments, via email, on June 2nd, 2025:

' Prior to providing MTO approval. I can offer the following comments:

Since the posted speed limit is above 70 km/h, the newly created lots must have a minimum frontage of 45 meters.

The existing driveway is proposed to service proposed severed lot 1 on the attached sketch. However, it is also proposed to pass through proposed severed lot 2 as well as the retained lot. In order for the MTO to accept access to any proposed lot, their driveway must access their property only. All interconnectivity between properties will have to be closed/removed

- The existing driveway currently has a 2nd branch that also accesses the dwelling on the retained lands. This must also be removed/closed in favour of individual access for each lot.*
- The proposed driveway to the retained property on the attached sketch must be the only access to the dwelling on the retained property.*

MTO will likely require to review the proposed severance in the field to measure sight/stopping distance in order to determine if individual access can be supported.

Please revise the application accordingly and provide back to me and we will endeavour to review and provide final MTO comments. Please don't hesitate to give me a call if there are any questions or concerns.'

The MTO comments were provided to agents, P. Ramsey and R. Halliday. The application was amended prior to formal circulation, to have lot frontages from 30.5 metres frontage to 45 metres frontage on Highway No. 540A. The amended application and sketch were provided to C. Cole, MTO.

Mr. Cole, MTO provided the additional comments, via email, on August 5th, 2025:

' I can confirm that the subject property is located within the MTO's permit control area; and therefore, is subject for review under the Public Transportation and Highway Improvement Act R.S.O. 1990 and will require proper MTO permits. I can confirm that the revised site layout is acceptable to the MTO and that we support the proposed severance in principle. I am prepared to offer the following comments:

- 1. MTO Residential Entrance Permits will be required for all proposed severed and retained properties accessing Hwy 540A.*
- 2. Any new entrance located on Hwy 540A must be a minimum of 30 meters from any adjacent entrance, new or existing.*
- 3. No interconnectivity between severed and/or retained properties will not be permitted.*
- 4. MTO Building/Land Use Permits are required for the placement of any new buildings/structures or any site grading/paving within 45 meters of the Hwy 540A property line.*
- 5. Any future development or change in land use must be subject to MTO review/approval.*

All permit applications can be made online at the following link:

<https://www.hcms.mto.gov.on.ca/>

Please don't hesitate to contact me if there are any additional questions or concerns.'

The additional comments from MTO, were provided to the agents for the application.

Hydro One was circulated for comments as part of the preliminary review of the application. They advised they have no concerns and that they do not have an unregistered easement over the property and do not require one; they have no poles on the property; and that the underground primary line on the property is a private line belonging to the property owners. Hydro One noted that the landowners may wish to consider how they would protect their private line if it is crossing the severed properties.

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Application File No's. B16-25 and B17-25
August 26, 2025 - continued

Mr. Ramsey advised that the underground Hydro line belongs to the property owners and appears to go through the lot proposed by File B17-25 (severed #2) and may also cross through the lot proposed by File No. B16-25 (severed #1). The line will need to be surveyed to determine the location and if easements are required in favour of the retained land or in favour of one or both of the proposed new lots. At this time the applicants do not wish to include any easements in the current application.

Mr. Ramsey requested that the Board consider that if easements are required for the underground Hydro Line that a separate planning application could be made to grant the easement(s) and that he is aware that there will be an additional planning application(s) and an additional fee(s).

The Gore Bay Manitoulin Airport is located to the south/east of the subject land. The airport does not have a Noise Exposure Forecast (NEF) or a Noise Exposure Projection (NEP). Technical advice was obtained from the Ministry of Municipal Affairs and Housing (MMAH) in consultation with the Ministry of the Environment, Conservation and Parks (MECP) due to the location of the airport to the subject land. Z. Seifpour, MMAH, provided a copy of the New Housing and Airport Noise (1981) manual published by the Canada Mortgage and Housing Corporation (CMHC), which contains noise guidelines for new housing approvals. She also provided the following comments (in part):

'In the absence of a Noise Exposure Forecast (NEF), the general approach is to base the 1000 metre setback on areas where aircraft actively operate (such as runways, taxiways, and hangars) rather than just relying on the legal property boundary of the airport. This aligns with the older (1981) CMHC guidance for military airports without NEF/NEP data, which recommends no residential development within 1500 metres of runway ends and 100 metres to either side of a runway.'

From mapping information available, it appears that the proposed severed lots and the vast majority of the retained lot are outside of the required 1000 metre buffer. Therefore, it appears that the creation of the two lots as proposed, would not negatively impact or be negatively impacted by the Gore Bay Manitoulin Airport operation.

From information available (elevation mapping) there appears to be some low lying areas within the subject land with elevations between 177.9 metres and 195 metres.

Zoning By-law No. 2022-016 for the Municipality of Gordon/Barrie Island states under:

'4.261. Setbacks from Lake Huron

- a) No person shall erect any habitable building or structure in any zone abutting Lake Huron less than 15 metres measured horizontally from the 100 year flood elevation contour identified on Schedules B1 and B2 of this By-law unless:*
 - i) The building or structure is located at least 61 metres from the shoreline; and*
 - ii) the building or structure is flood-proofed to 179.6 metres Canadian Geodetic Vertical Datum (CGVD 1928). Policy 4.26 Mr. Longmuir was provided with the mapping and advised that he may encounter building restrictions.'*

The lands proposed to be severed appear to be higher in elevation and appear to be outside the flood risk zone. Some portions of the retained land appear to be below the 177.8 metre 100 year flood contour that may restrict a future building site. There does appear to be building sites that could be located outside the flood risk area.

There is an unevaluated wetland identified that crosses most of the property. The lot proposed by File No. B17-25 is close to the wetland boundary and the new driveway could possibly encroach into the wetland. A wetland evaluation and/or an Environmental Impact Study (EIS) may be required if development is proposed within the wetland or adjacent to the wetland.

Alvar has been identified within the land directly south of the unevaluated wetland, within the retained land. Development in this area would require an Environmental Impact Study (EIS) and permits from The Ministry of Environment, Conservation and Parks (MECP) under the Endangered Species Act (ESA).

Due to the existing dwelling and accessory structures on the proposed retained land, and building sites that could be located outside the areas of influence for both the severed and retained land, it would appear development in or near the wetland and the Alvar could be avoided.

Therefore, from information available, the subject land does not appear to have any natural heritage features or species at risk concerns. This proposal is considered to be in conformity with the Provincial Planning Statement (PPS) 2024.

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*Application File No's. B16-25 and B17-25
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The application was circulated on August 6th, 2025 to the Municipality of Gordon/Barrie Island, Bell Canada, the Ontario Ministry of Transportation, and to all property owners within 60 metres, and by the posting of a notice, clearly visible and legible from a public highway or other place to which the public has access, as required by Ontario Regulation 197/96.

The Municipality recommend Consent to Sever be granted with no specific conditions.

Bell Canada have not provided any comments or concerns regarding the application or requested additional time to do so.

There has been a couple of inquiries from the abutting land owner to the west, requesting further explanation of the application and uses permitted in the Rural Zone, and if additional severances would be permitted. No written concerns have been received.

There have been no other inquiries or comments received as a result of circulation to property owners within 60 metres and/or the posting of the Notice.

Discussion among the Board Members included:

- should the application include Hydro Easements now; new owners may not want to grant a legal easement for the underground hydro line; the location of the hydro line could/would determine acceptable building sites; it appears that two of the sheds are located in front of the dwelling; are there building permits or were the buildings/structures built without permits; are the buildings/structures in conformity to the municipal zoning by-law; did the Township comment on the location of the existing structures; how close is the septic system to the new lot line; is there a completion notice for the septic system or was it installed without a permit; what are the required distances from a septic system and a building; does the Planning Board Office have aerial photography or google earth imagery prior to 2019 to determine when the buildings were placed on the property the Board sometimes calls for an elevation survey identifying the flood contour and safe building envelopes; this was done for the lot created to the west; this will result in three lots being created from the original parcel of land; the Township has a cash-in-lieu By-law for more than two lots created by Consent to Sever; the By-law will apply; the location of the driveways, the underground hydro line, the septic system, and the elevations could/would determine acceptable building sites.

There was no one in attendance who wished to speak in support or opposition to the application.

The Board were in agreement to defer their Decision on the application pending additional information.

The following motion resulted:

MOTION

It was moved by D. Osborne and seconded by J. DeForge that in good planning the Decision of the Manitoulin Planning Board be deferred pending additional information regarding the location of the septic system to the new proposed lot lines, and a completion notice for the existing septic system and conformity to the Public Health Unit' requirements and additional information regarding building permits for the existing structures and comments from the municipality as to conformity to their zoning by-law for all structures including the two sheds that appear to be located in the front yard,

- Carried.

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Adam Ranger, Public Health Sudbury & Districts (PHSD) provided the following information, via email on September 8th, 2025:

'Public Health Sudbury & Districts bases land severances approvals on a property' ability to accommodate, as a minimum, a septic system for a 3-bedroom home with a mantle area. During the site visit the Inspector would include the required setback distances to lot lines, bodies of waters, and wells. In our letter of approval, we do not provide site specific comments.

The Ontario Building Code (OBC) requires clearance distance, I have attached above to show the required distances for a tank (treatment unit) and distributing piping. For a lot line it is 3.0 metres.'

Mr. Ramsey, agent for the application, advised via email that the existing septic system is 18.91 metres east of the new lot line proposed by File No. B17-25 and that Building 'H' is closer to the shore road allowance than the main cabin. He also advised that he and Mr. and Mrs. Hazlett do not have a copy of the Completion Notice for the septic system, as it predates their ownership of the property (2019).

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Application File No's. B16-25 and B17-25
October 28, 2025 - continued

The Municipality of Gordon/Barrie Island advised of Resolution No. 2025-153 as follows:

' Be it Resolved that the presented draft letter was approved by Council to share with the Planning Board regarding the application for Mr. Hazlett '.

' To Whom It May Concern:

RE: Planning Board File B16-25 and B17-25

Following up on the Motion "deferring the Decision of the Planning Board pending additional information"

The Septic systems are addressed by the property owner and surveyor through Sudbury and District Health Unit.

The Municipal CBO has been on site as well as researched building permits. The shed(H) is 25 feet from shoreline allowance and the dwelling(A) is 51.5 feet from the shoreline allowance. The Municipality is satisfied that the existing structures are within five feet of meeting the requirement of the Zoning By-Law and due to the age shall be grandfathered.

Further, the one structure (H) located in front of the dwelling (A) is 26 feet in front of the dwelling and the Municipality is in agreement to approve grandfathering this storage shed in as it's use fits the property Zoning applicable uses.

As the property owner already is aware, The Municipality notes that no new buildings would be grandfathered going forward in the front of the dwelling.'

Discussion among the Board included:

- a completion notice from the Health Unit has been requested by the Manitoulin Planning Board for the existing septic system; this has not been provided; was it installed without a permit; does it meet the requirements of the Public Health Unit; it is undetermined how old the system is and if it is operating efficiently; could be harming the Lake; need more information; this is the time to request the information; the land owner can request a copy of the completion notice for the Health Unit if they do not have one; if the Health Unit will not comment on the existing system then a professional inspector may need to provide this information; are easement(s) for the existing underground hydro line required; this has not been determined; an application to grant hydro easement(s) could be done now or at a later time.

There was no one in attendance who wished to speak in support or opposition to the application.

The Board considered the information provided and determined they had enough information to make a Decision on the application.

Consent is tentatively granted subject to the following conditions:

The following documents must be submitted to the Secretary-Treasurer of the Board within two years from the date of the notice of decision for certification:

- a) the Transfer of Land form(s) prepared by a solicitor/lawyer, and
- b) a Schedule to the Transfer of Land form on which is set out the entire legal description of the parcel(s) given conditional approval. This Schedule must also contain the names of the parties identified on the Transfer of Land form.

Accompanying the transfer documents shall be:

- i) a reference plan of survey, which bears the Land Registry Office registration number as evidence of its deposit therein, illustrating the parcel(s) to which the consent approval relates;
- ii) a copy of the Completion Notice for the existing septic system or a written confirmation from a qualified professional that the existing septic system has been installed and meets the requirements of the Ontario Building Code (OBC);
- iii) a written confirmation from the Ontario Ministry of Transportation (MTO) that all access interconnectivity has to be closed/removed and residential entrance permits are located from Highway 540A and any other required permits have been received or issued, satisfactory to the requirements of MTO;

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*Application File No's. B16-25 and B17-25
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- iv) a written confirmation from the Municipality that the levy as per the Municipal Cash in Lieu of Conveyance By-law No. 2009-06, has been received, satisfactory to the municipality;
- v) a fee of \$150.00 for each Transfer of Land submitted for Certification; and
- vi) a written confirmation from the Municipality that all outstanding municipal taxes have been paid for the subject land (severed and retained land).

Note: Subsection 3 or 5, as the case may be, of Section 50 of the Planning Act shall not apply to any subsequent conveyances of or in relation to the parcel of land being the subject of this application.

Note: Owner(s) of the subject land should be made aware that building permit restrictions may apply, i.e. elevation, alvar, wetland, potable water

Note: Any shoreline improvements shall be done only with the consultation of the Department of Oceans and Fisheries, (DFO), The Ministry of Natural Resources and Forestry (MNRF) and the Municipality.

Note: Further development by the Consent to Sever process may not be considered, with the exception of an application for Hydro Easement, if required.

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Application File No's: B21-25 and B22-25 No. of Members Present: 6
Date of Decision: October 28, 2025
Location of Property: Part Lot 3, Conc. VIII, Surveyed as Part 1, Plan 31R-4250,
Township of Burpee, Municipality of Burpee-Mills, District of Manitoulin

DECISION

The purpose of this application made under Section 53(1) of the Planning Act by Mandy Bath on behalf of Christopher Klassen is to provide for lot additions to two (2) abutting land owners.

File No. B21-25 proposes to provide for a lot addition/lot line boundary adjustment having a frontage of ± 27.08 M. on Lake Huron and an average depth of ± 54.01 M., thereby containing an area of 0.16 Hec. This land is to be added to and consolidated with the abutting lot to the west, surveyed as Part 1, Plan 31R-2002, containing the land owners' seasonal dwelling and accessory shed. This lot addition will result in a new lot having a frontage on Lake Huron of ± 118.02 M. and an average depth of ± 52.9 M. and containing a total area of 0.67 Hec.

File No. B22-25 proposes to provide for a lot addition/lot line boundary adjustment having a frontage of ± 31.0 M. on Lake Huron and an average depth of ± 48.01 M., thereby containing an area of 0.16 Hec. This land is to be added to and consolidated with the abutting lot to the east, surveyed as Part 1, Plan 31R-1493, containing the land owners' seasonal dwelling. This lot addition will result in a new lot having a frontage of ± 56.69 M. on Lake Huron and a depth of ± 121.9 M., thereby containing a total area of ± 0.85 Hec.

There is no land being retained. There is a seasonal dwelling located on the shoreline allowance in front of the subject land, located at #209 Sherwood Lane. Ms. Bath, agent for the application, advised that the structure is in the process of being removed.

The land subject to this application, was at one time two separate lots. However, the two lots merged together when registered under the same ownership (about 2007) and are considered to be one larger lot under the Planning Act, surveyed as Part 1, Plan 31R-4250.

There has been a previous application for Consent to Sever, File No. B22-85, approved by the Manitoulin Planning Board in 1985, that created the lot to the east, surveyed as Part 1, Plan 31R-1493. The land owners have been advised that the previous approval for File No. B22-85, will need to be nullified in order for the 'lot addition' land to consolidate. An Application for "Cancellation Certificate" has been received by the Manitoulin Planning Board Office.

The subject land has been designated as Shoreline Area and zoned Shoreline Residential (SR). According to the application seasonal residential uses are proposed to continue.

The application was circulated on September 30th, 2025 to the United Chiefs and Councils of Mnidoo Mnising (UCCMM) and the Wiikwemkoong Unceded Territory, as per Official Plan Policy F.5 - Consultation and Engagement.

The UCCMM and the Wiikwemkoong Unceded Territory have not provided any comments or concerns regarding the application, or requested additional time to do so.

An inspection Report, dated October 17, 1990 was received for Part 1, Plan 31R-2002, the land receiving a lot addition to the west. A Completion Notice, dated July 25th, 2011 was received for Part 1, Plan 31R-1493, the land receiving a lot addition to the east. There are no new services required as a result of the application.

There is a hydro line traversing Lots 2 and 3, Conc. VIII, to the south of the subject land, which appears to be on a Bell Canada easement granted by Consent to Sever File No. B69-05, over Part 1, Plan 31R-3310. There does not appear to be any Hydro lines visible on the aerial photography (2021) However, it has been confirmed by the land owners obtaining the lot additions that the Hydro Service is underground from the road.

A request for comments was sent to Hydro One as part of the review and they provided the following comments, via email:

- '1. Hydro does not have an unregistered easement;
2. No easement is required;
3. Hydro One has no concerns or conditions.'

Access for the subject land is via a legal right-of-way over Lots 2 & 3, Conc. VIII, over an access known as Sherwood Lane/Gravel Pit Road, to Highway No. 540. This access has not been surveyed.

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The Ontario Ministry of Transportation (MTO) was circulated as part of the preliminary review. C. Cole, MTO, advised via email on October 15th, 2025 that:

'I can confirm that the subject properties are located outside the MTO's Permit Control Area (PCA); therefore, we have no comments to provide at this time.'

In review of the application, an email was sent to Ms. Bath, agent for the application:

'Good Morning Mandy,

I am preparing your application for our Planning Board Meeting tomorrow night.

I have come across a 'potential' concern.

In review of the information received, Mr. Klassen's lot has a legal right-of-way over Gravel Pit Road (Sherwood Lane) to Highway No. 540. Also from information we have the 'Hopkins' lot (to the west) also has a legal right-of-way over Gravel Pit Road to Highway No. 540.

When the Planning Board created a new lot, surveyed as Part 1, Plan 31R-1493, by Consent to Sever File No. B22-85, (Brodie & Smith) the land transfer/deed was certified stating 'subject to right-of-way to all those so entitled for the purpose of access across the old Colonization Road and Gravel Pit Road over Part of Part 1, Plan 31R-1493 and illustrated thereon'

It appears from review of survey Plan 31R-1499 (attached) that the 'old road' traverses south of Mr. Klassen's lot, and south of the Hopkins' lot, but does not abut either lot. There appears to be a strip of land between the two lots and the access road. It appears that neither lot has a legal right-of-way over this strip of land.

This will need to be determined.

If this is correct, the Manitoulin Planning Board may attach a condition to the Consent to Sever approval (Lot addition to Hopkins) that a legal deed right-of-way is obtained from the land owner of Part 1, Plan 31R-1499 in favour of the 'Hopkins' lot.

Mr. Klassen's lot would not require this as it will be added to and consolidated with Mr. and Mrs. Hopkins' lot.

The lot to the east, owned by (Brodie & Smith), would not required this.

It may be that Manitoulin Planning Board may defer their Decision until the legal access has been confirmed.

I want you to be made aware of this.

If you have any new information to share regarding the access, before 4:30 p.m. tomorrow, please advise. Thank you.'

Ms. Bath forwarded my email to their lawyer, T. Gilbert who replied with the following email:

'Theresa, would be the Planning committee be satisfied with a letter or right of way agreement from the current owner of Part 1 confirming that the adjacent owners have access over that strip for the purpose of utilizing the ROW as already described?

Or would it be more in the nature of a secondary survey done to identify the strip and provide a formal easement to the Hopkins?'

The Secretary-Treasurer provided the following response:

'Hello Timothy,

I cannot say for sure.

An agreement works for now, but can change after a period of time.

In good planning and from previous similar situations I suspect that the Board will need Mr. and Mrs. Hopkins to have a legal deeded right-of-way from Sherwood Lane.

If this is their Decision, it could be a condition of the approval.'

From information available, the subject land does not appear to have any natural heritage features or species at risk concerns.

The proposal is considered to be in conformity with the Provincial Planning Statement 2024.

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The application was circulated on October 10th, 2025 to the Municipality of Burpee-Mills, Bell Canada, the Ontario Ministry of Transportation, and to all property owners within 60 metres and by the posting of a notice, clearly visible and legible from a public highway or other place to which the public has access, as required by Ontario Regulation 197/96.

The Municipality recommended Consent be granted with no specific conditions.

Bell Canada has advised that they have no concerns with respect to the application.

Discussion was had between the Board Members regarding the access and if this may cause concerns in the future, including:

- Sherwood Lane is the travelable access to the lots; no concerns with File B22-25; File No. B21-25 may have concerns; the Road Access Act may allow for travel on Sherwood Lane but may not allow access over the strip of land between Sherwood Lane and Part 1, Plan 31R-2002; the access is not surveyed; the access has been established and is well travelled; from information available it appears that the lot may not have a legal deeded right-of-way access over this strip of land; it is assumed the access gets to the lot but this needs to be determined; a legal deeded right-of-way would be in good planning, would increase sale value; this is the time to clear the situation up; could cause concerns if a new landowner stops access across his/her land, Part 1, Plan 31R-1499 and the strip of land.

Ken Noland, Board Member, spoke to the application. He advised that he had spoken to the land owner of Part 1, Plan 31R-1499 who owns Sherwood Lane and the strip of land between Sherwood Lane and Part 1, Plan 31R-2002. The land owner has no concerns and advised Mr. Noland that he is in the process of tidying up the access and is willing to have it surveyed to grant legal deeded rights-of-way to those that have/need it.

Discussion included:

- a survey is going to be done to describe Sherwood Lane and this would determine the location of the legal access; the Planning Act allows for two years to complete the Consent to Sever Application; a survey could be done within the two year period and this would clarify if a right-of-way is needed across the strip of land to Part 1, Plan 31R-2002.

There was no one in attendance who wished to speak in support or opposition to the application.

Consent is tentatively granted subject to the following conditions:

The following documents must be submitted to the Secretary-Treasurer of the Board within two years from the date of the notice of decision for certification:

- a) the Transfer of Land form(s) prepared by a solicitor/lawyer, and
- b) a Schedule to the Transfer of Land form on which is set out the entire legal description of the parcel(s) and right-of-way, given conditional approval. This Schedule must also contain the names of the parties indicated on the Transfer of Land form and state this conveyance is a consolidation of the severed lands with lands identified by the property identification number (PIN) and confirmed by a copy of the Parcel Register.

Accompanying the transfer documents shall be:

- i) a reference plan of survey, which bears the Land Registry Office registration number as evidence of its deposit therein, illustrating the parcel(s) and the right-of-way to and along Sherwood Lane, having a minimum width of 20.1 metres, to which the consent approval relates;
- ii) an undertaking from a Solicitor stating that the severed parcel(s) will be consolidated on title with the benefiting lands at the time of registration of the Transfer, and a copy of the resulting Transfer, and the new resulting Property Identification Number (PIN) will be provided to the Manitoulin Planning Board;
- iii) confirmation of cancellation for the previous Consent to Sever approval for File No. B22-85, satisfactory to the Manitoulin Planning Board, i.e. registered document;

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- iv) a written confirmation from the municipality that the access/right-of-way is travelling by emergency vehicles to Highway No. 540, satisfactory to the municipality;
- v) a fee of \$150.00 for each Transfer of Land submitted for Certification; and
- vi) a written confirmation from the municipality that all outstanding municipal taxes have been paid.

Note: Subsection 3 or 5, as the case may be, of Section 50 of the Planning Act shall apply to any subsequent conveyances of or in relation to the parcel of land being the subject of this application.

Note: Any shoreline improvements shall be done only with the consultation of The Ministry of Natural Resources and Forestry (MNRF), the Department of Oceans and Fisheries of Canada, (DFO) and the Municipality.

PRESENTATION OF APPLICATIONS FOR CONSENT TO SEVER

The Chair announced that the purpose of this phase of the meeting is:

- (a) to consider applications for consent under Section 53 of the Planning Act,
- (b) to make decision in regard to the applications scheduled to be heard, and, explained that this phase is open to the public and any interested parties will be given the opportunity to speak in support or oppose an application.

The Chair then asked if any Board Members have or wish to declare a "Conflict of Interest", at this meeting or previous meeting.

There were none.

Following is the list of Applications for Consent considered at this meeting:

	<u>Moved By</u>	<u>Seconded By</u>
1. B16-25 and B17-25	D. Head	R. Stephens
2. B21-25 and B22-25	B. Barker	K. Noland

It was moved and seconded that the above applications be conditionally approved, subject to all conditions being fulfilled as stated in the Decisions,
- Carried.

The time now being 9:08 p.m. and all business before the Board having been dealt with, the Meeting was adjourned on a motion moved by B. Barker and seconded by D. Head,
- Carried Unanimously.

L. HAYDEN, CHAIR



T.A. CARLISLE
SECRETARY-TREASURER