

MANITOULIN PLANNING BOARD

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August 27, 2025

MINUTES OF PLANNING BOARD MEETING - August 26, 2025

At a Meeting of the Manitoulin Planning Board held at the Planning Board Office, Gore Bay, Ontario, on Tuesday, August 26th, 2025 at 7:00 p.m., the following Members of Planning Board were present:

- | | | | |
|----|-------------|----|-------------|
| 1. | L. Hayden | 4. | J. DeForge |
| 2. | K. Noland | 5. | R. Stephens |
| 3. | D. McDowell | 6. | D. Osborne |

Regrets: L. Chappell, B. Barker, and D. Head

Also in attendance for the meeting were:

- S. Pelletier, Consent to Sever, File No. B20-25;
- D. Earl, agent and T. Tokola, interested party, Request to be Heard; and
- D. Addison-Brawn - Request for Extension of Temporary Use By-Law No. 2022-002

There were no other 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 July 22nd, 2025.

There were no conflicts declared.

1. ORDER OF BUSINESS

The Chair requested the adoption of the order of business.

MOTION

It was moved by D. McDowell and seconded by D. Osborne that the Order of Business be adopted,
- Carried.

2. MINUTES OF PREVIOUS BOARD MEETING - July 22nd, 2025.

The Chair announced that the Minutes of the Board Meeting held on July 22nd, 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 - July 22nd, 2025
There was none.

3. VARIABLE EXPENDITURES

The Secretary-Treasurer explained that the invoiced amount from KPMG for the 2024 audit had been sent in June 2025 and again on July 22nd, 2025 (Board Meeting day) via email to staff member, J. Diebolt, but the email had gone into his junk/spam email account. This is a 2nd invoice received from the auditor.

Board Member, K. Noland, asked what the total cost for the 2024 audit was.

The total invoiced amount for the 2024 audit is \$10,086.50 plus HST of \$1,311.25, for a total amount of \$11,397.75.

MOTION

It was moved by D. McDowell and seconded by R. Stephens that the variable expenditures be accepted as presented,
- Carried.

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August 26th, 2025 - Continued

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. REQUEST TO BE HEARD - TOWNSHIP OF CAMPBELL - FILE NO'S. B22-24 TO B24-24

Dylan Earl, agent for the request, had submitted the following letter, dated August 26, 2025:

*' Dear Board Members,
Re: Severance files B22-24, B23-24, B24-24 - 233 EARLES RD, SPRING BAY*

I am writing to update the Board on our approved severance for 233 Earles Rd and to request support for a minor modification to the severance layout to better align with future land use goals and planning considerations.

Since receiving approval for severance files B22-24, B23-24, and B24-24, we have worked closely with our surveyor, Mr. Gord Keatley, to assess future development potential. Based on this, we are proposing to reduce the waterfront lot sizes and improve future subdivision options for the retained parcel.

Our immediate goal in the next 6 months is to sell the existing home on the water and keep the other severed vacant lots for future use.

Our initial approved design set the east-west severance boundary to match the official plan shoreline area boundary line. However, we would like to modify these severance lines to make the waterfront lot with the home, only as big as it needs to be. This is the main factor for our revision request.

The land north of the home on the same severed parcel will likely end up being bush lots at another date but would require severances. I understand further severances is not supportable, so subdivision would be the next step.

Since this severed parcel would not be positioned well for subdivision, we would like to revise the severance boundaries so that future potential subdivision makes the most sense, as follows:

● *File B22-24, severed lot with existing house to be made smaller* ○ *Revise frontage on Earles rd: from 305m + 20.1m + 180m to ± 180m*
○ *Revise depth: from 190m to ± 114m*
○ *Revise lot area: from ± 9.2HA to ± 1.9HA*

● *File B23-24, severed lot with rock point on Lake Huron to be made smaller* ○ *Revise depth: from 500m to ± 181m*
○ *Revise lot area: from 13HA to ± 6.9HA*

● *File B24-24, severed lot cornering Earles rd and White Church to be smaller* ○ *Revise frontage on White Church rd from 190m to ± 113m*
○ *Revise depth: from 740m to ± 1064m (incl ROW)*
○ *Revise lot area: from 14.1HA to ± 11.9HA*

● *RETAINED lot to be larger* ○ *Revise frontage: on White Church rd from 212m to ± 288m*
○ *Revise depth: from 740m to ± 1044m*
○ *Revise lot area: from 15.7HA to ± 30.2HA*

We kindly ask the Board to confirm whether it supports this revised severance configuration so we may proceed with an amended application. A revised severance sketch is attached with the proposed changes. We appreciate your time and consideration.'

The Secretary-Treasurer informed the Board that under the Planning Act, a change to a Consent to Sever Application can be made prior to the Decision of the approval authority. In this case, a conditional Approval/Decision was already made on October 29th, 2024. A re-circulation of the new proposal is required. She explained the History of the current files; Consent to Sever, Change to Conditions; and Appeal to the Ontario Land Tribunal. A copy of Mr. Earl's request and a sketch of the previous approval and a sketch of the new proposal (reconfiguration) was provided to the Board. She asked if the Board wished to consider the most south/west lot having it's own frontage on Earl's Road rather than having a right-of-way over the most north/east lot as this has been their past preference and would avoid a jog in the lot line.

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August 26th, 2025 - Continued*

Request to be Heard - Continued

Discussion among the Board included:

- how many lots could be created by the new configuration from the south/west lot; possibly 9 or 10; is a plan of subdivision being considered; The road would need to be conveyed to the Township for a Plan of Subdivision; Decision has been made on the previous proposal; this is a new proposal; not a minor change; need to consider the work involved by staff to process the change; staff should re-screen and obtain preconsultation comments on the reconfiguration; staff has work to do.

D. Earl requested support of the Board for the new configuration of the lots and spoke to the application. He would like to sell the lot containing the dwelling and is proposing a smaller lot to keep the shoreline together as the Board has indicated that further development would need to be via a Plan of Subdivision. A Plan of Subdivision is expensive and there are a lot of studies needed. By selling the house lot it would help pay for the studies needed to proceed with a Plan of Subdivision or a Plan of Condominium to create needed housing. He is OK with restricting the new lot sizes as per the Board's previous Decision. He would prefer keeping a right-of-way to Earl's Road for access. He would prefer to re-circulate the application rather than submit a new application.

The following motion resulted:

MOTION

It was moved by D. Osborne and seconded by K. Noland that the Manitoulin Planning Board will consider the re-configuration of the three lots approved by File No's. B22-24, B23-24, and B25-25 and that the change is considered to be significant enough that a new application is to be submitted with new application fees and that the previous application be withdrawn by the applicant,
- Carried Unanimously

**6. REQUEST FOR AN EXTENSION OF TEMPORARY USE BY-LAW NO. 2022-002
- TOWNSHIP OF ROBINSON - FILE NO. 96ZBL-22-002**

The Secretary-Treasurer informed the Board that D. Addison-Brawn had requested to the Planning Board Office an extension of her Temporary Use By-law No. 2022-002 in July 2025. The Temporary Use By-law will expire on August 30th, 2025. On August 26th, 2025 (day of the Board Meeting) an application for Amendment was completed requesting another three year temporary use of the travel trailer. Ms. Addison-Brawn is also requesting an amendment to the previous By-law to change the location of the existing travel trailer and to permit a storage shed to be built and located within her property prior to the construction of her dwelling.

A Zoning Conformity permit, Number LC16-22, was issued on August 31st, 2022 for a dwelling and a garage with attached garden shed.

The Planning Act - Temporary use provisions - states:

- '(1) The council of a local municipality may, in a by-law passed under Section 34, authorize the temporary use of land, buildings or structures for any purpose set out therein that is otherwise prohibited by the By-law.*
- (2) A By-law authorizing a temporary use under subsection (1) shall define the area to which it applies and specify the period of time for which the authorization shall be in effect, which shall not exceed three years from the day of the passing of the by-law.*
- (3) Despite subsection (2), the council may by By-law grant further periods of not more than three years each during which the temporary use is authorized.'*

The Secretary-Treasurer explained that if the Board supports the change, formal circulation of the application would be required, due to the changes proposed. However the Board's decision would not take place until the September Board Meeting which is after the August 30th, 2025 Temporary Use By-law expiry.

Ms. Addison-Brawn was present during consideration of her proposal. She explained to the Board why construction had not been started in the past three years and why she needs an extension, and that the trailer has been placed on the property in a different location than what was approved, and that she needs a shed to store items to avoid more theft.

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Request for an Extension of Temporary Use By-law No. 2022-002 - Continued

Discussion resulted in the following motion:

MOTION

It was moved by J. DeForge and seconded by D. Osborne that the Manitoulin Planning Board supports in principle a new Temporary Use By Law for a period of three years for the existing travel trailer in its new location and a storage shed will be permitted and remain on a permanent basis prior to the construction of the dwelling and that a new Zoning Conformity Permit Application be issued,

- Carried Unanimously.

7. REQUEST TO DEEM A SUBDIVISION NOT TO HAVE LAPSED - FILE NO. SUB2022-001
- Township of Barrie Island, Municipality of Gordon/Barrie Island, District of Manitoulin

The Secretary-Treasurer reported that Subdivision File No. SUB2022-001 had received conditional approval on March 22nd, 2022 and the file had lapsed on March 22nd, 2025.

The Planning Act, Under Section 51(33.1), states:

'If an approval of a plan of subdivision lapses before an extension is given, the approval may deem the approval not to have lapsed unless,

- a) four or more years has passed since the approval lapsed;*
- b) the approval has previously been deemed not to have lapsed under this subsection; or*
- c) an agreement has been entered into for the sale of the land by a description in accordance with the draft approval plan of subdivision.*

The Law Office of Spadafora Johnson Lepore LLP, on behalf of Sandra Hollingsworth and Dave Nadeau for 1927402 Ontario Inc., has submitted a request to 'deem the subdivision not to have lapsed'. The covering letter with supporting documentation was provided to the Board Members.

A request for support had been made to the Municipality of Gordon/Barrie Island and the following resolution of Council, No. 2025-095, was made at their June 3rd, 2025 Council Meeting:

*'WHEREAS A request has been made to have an extension to the Barrie Island Subdivision application;
AND WHEREAS Council is supportive of an extension providing a Subdivision Agreement must be signed and in place within one year of today's date;
AND FURTHER subject to any of the Planning Board conditions;
AND FURTHER the Council supports the Planning Board as the approval authority in principle,
.....Carried.'*

Discussion included:

- could support a one year extension in support of the municipality's resolution; is one year long enough; not much has been done in the past three years to fulfill the conditions; not much movement with the subdivision agreement; new Provincial Planning Policy in 2024; new municipal Zoning By-law in 2022; could be new policies to consider; is a new application considered appropriate; additional staff time is required to re-access the previous conditional approval; application fees have increased since 2022; current application fees are \$1650.00 plus \$30,800 (\$880.00 per lot X 35 lots) for a total of \$32,450.00.

The following motion resulted:

MOTION

It was moved by K. Noland and seconded by D. McDowell that despite the approval of Subdivision File No. SUB2022-001 which lapsed on March 22nd, 2025, the file is deemed 'not to have lapsed' as requested; and a new application with a reduced application fee of \$17,050.00 is required; and it is understood that a Subdivision Agreement must be completed within one year from today, being before August 26th, 2026; and that the Planning Board Staff will review the previous conditional approval and screen the application for any changes due to the new Provincial Planning Policy in 2024 and the new municipal Zoning By-law No. 2022-016.

- Carried Unanimously.

Board Minutes
August 26th, 2025 - Continued

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

The Secretary-Treasurer reported that the Manitoulin Planning Board received approval of our application for funding for our Planning/GIS intern position, on August 8th, 2025. We are waiting on the legal agreement from the Northern Ontario Heritage Fund Corporation (NOHFC) which will outline the conditions of the agreement.

The list of applicants has been reviewed and a short list has been prepared. Staff would like to start the interview process soon. She requested a '*committee of the Board*' to assist with reviews and potential interviews.

Chair, L. Hayden and Board Member, K. Noland offered to assist with reviews and interviews.

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

C. Meloche, Building Official for the Municipality of Gordon/Barrie Island, provided information and a link to a brochure for the Geosystem for discussion purposes, which was provided to the Board Members.

The Secretary-Treasurer asked if the Board and/or the Municipalities would be interested in implementing this system as a means of sharing data across the Manitoulin Area? The Townships of Central Manitoulin and the Township of Assiginack already have a 'cloud permit' system (a similar system) that they are using. If the Planning Board was to implement this system, the cost would be requisitioned to the Municipalities. She provided the following summary:

MRF Geosystems is a consulting company offering a web-based application submission and processing system for Building Permits, Planning and Development Applications.

The proposed system has a public portal where applicants can submit and pay for applications online, which are then available to municipal or Planning Board staff to review, update and pass along to other staff. The system tracks the status of the application which is available to all staff members and the applicant who submitted it. It includes web Geographic Information System (GIS) mapping which tracks the applications made on individual parcels of land. Municipal GIS data would be uploaded into the system to work as the base map for the system, with parcel mapping being the primary layer.

Different software packages called modules are available for Building Permits, Planning and Development Applications, and a Public Portal with different costs for each module. The Building Permit and Planning and Development modules are each \$20,000.00 annually. The Public Portal has an annual fee of \$2500.00. A complete system would cost \$42,500.00 annually. There are one-time costs of \$3000.00 for the payment portal integration, \$1000.00 for Planning module training, \$1000.00 for Building Module training, and \$3000.00 for database integration and \$3500.00 for Agency Setup.

The general consensus of the Board was that this system is costly and the item would be tabled and considered again during budget time.

Mr. Diebolt, staff member, is directed to provide a report to the Board at the next Planning Board Meeting 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 the cost comparison of the systems.

10. KPMG

The Secretary-Treasurer reported that a 2nd invoice had been sent by KPMG (auditor) to staff member, J. Diebolt, in June 2025 and on July 22nd, 2025 (Board Meeting day) which had gone into his junk/spam folder. This invoice results in a total 2024 audit cost of \$11,397.75 including HST. (\$10,086.50 plus HST of \$1311.25). The late charges have been waived.

The amount budgeted was \$10,000.00 less HST.

Mr. Diebolt advised that he will be checking his junk/spam email folders on a regular basis, to avoid this happening again.

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11. BANK OF MONTREAL

The Secretary-Treasurer reported that during the yearly commercial follow-up with the Bank of Montreal, she was made aware that the Planning Board Account had been charged a Plan Fee of \$80.00 per month for the months of December 2024 and January to June 2025 (\$80.00 X 6 months is \$480.00) due to the lower monthly account balance. Due to the lateness of the monthly bank reconciliations being done, this resulted in the extra fees. This had not been brought to the attention of the Board during Budget time. The Bank of Montreal has advised in previous years that the Bank Plan could have been changed with the Bank of Montreal to avoid these banking fees. This has been addressed and hopefully the Planning Board can avoid these Plan fee costs.

The Secretary-Treasurer advised that the Planning Board Account currently has a larger balance due to the receipt of Provincial funding for the Unincorporated Townships of Robinson and Dawson. She asked if the Board would like to consider an investment with the Bank due to the current bank balance.

MOTION

It was moved by R. Stephens and seconded by D. Osborne that the Secretary-Treasurer consult with the Bank and consider a short term investment of up to \$10,000.00,

- Carried Unanimously.

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August 26th, 2025 - Continued*

Application File No's.: B16-25 and B17-25 No. of Members Present: 6
Date of Decision: August 26, 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.

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

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.

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).

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

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.

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.

Board Minutes
August 26th, 2025 - Continued

Application File No: 18-25 No. of Members Present: 6
 Date of Decision: August 26, 2025
 Location of Property: Part Lot 9, Conc. B, Surveyed as Parts 1 and 2, Plan 31R-3251,
Township of Tehkummah, District of Manitoulin

DECISION

The purpose of this application made under Section 53(1) of the Planning Act by Clark Coultis is to provide for the creation of a new lot having a frontage of ± 100 M. on Highway No. 6, a provincially maintained highway, and a depth of ± 150 M., thereby containing an area of ± 1.5 Hec. There are no structures within this bush covered land. Residential uses are proposed.

The retained land has a frontage of ± 282.6 M. on Highway No. 6, a provincially maintained highway, and an average depth of ± 402 M., thereby containing an area of ± 14.7 Hec. There are two sheds located within this land, which are to be removed.

There have been two previous applications for Consent to Sever involving the subject land.

File No. B32-03 created a new lot, surveyed as Parts 1 and 2, Plan 31R-3251, which is the land subject to the current application; the resulting retained land is surveyed as Part 3, Plan 31R-3251; and

File No. B47-05 created a new lot, surveyed as Part 1, Plan 31R-3418 from Part 3, Plan 31R-3251.

Access is via an existing entrance, #20736 Highway No. 6 for the retained land. There is an existing entrance to the proposed severed land, however no civic address number has been assigned yet.

The lot is subject to a right-of-way over Part 2, Plan 31R-3251 in favour of land to the east, surveyed as Part 3, Plan 31R-3251.

The Ontario Ministry of Transportation (MTO) was circulated as part of the preliminary review of the application and Cameron Cole, provided the following comments:

' I can confirm that the subject property is located within the MTO's permit control area (PCA); therefore, it is subject for review under the Public Transportation and Highway Improvement Act R.S.O. 1990. The MTO supports the proposed severance in principle, with the following comments to consider:

- *MTO residential entrance permits will be required for both severed and retained property.*
 - *It should be noted that MTO cannot issue entrance permits for properties that do not yet exist. In order to issue an entrance permit for the severed property, MTO requires confirmation that the severance has been completed as well as proof of property ownership to ensure that the entrance permit is issued to the new landowner.*
 - *Both severed and retained properties are entitled to one entrance to Hwy 6 only. No additional access will be permitted.*
- *An MTO building/land use permit is required for the placement of any buildings/structures within 45 meters of the Hwy 6 property line.*
- *Any future development or change in land use must be subject to MTO review.*

All permit applications can be made online at the following link:
<https://www.hcms.mto.gov.on.ca/>

An Entrance Permit, No. EN-2025-54S-00000014-V1, has been issued for the retained land. An entrance permit will be issued for the proposed severed land, once the new lot has been created.

The application was circulated on May 27th, 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.

Board Minutes
August 26th, 2025 - Continued

Application File No. B18-25
August 26, 2025 - continued

The subject land has been designated Rural Area in the Official Plan for the District of Manitoulin and zoned Rural (R) according to the municipal Zoning By-law for the Township of Tehkummah. Rural Residential/Recreational uses are proposed.

Official Plan Policy under C.5 - Rural Areas - under C.5.2.2. states:

'Development in Rural Areas will be subject to policies of Section E.2.'

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.

Zoning By-law No 80-02 for the Township of Tehkummah under Section 6.3 - Accessory Uses - states:

- 'b) An accessory building shall not be erected prior to the erection of a permitted dwelling on the same lot except where it is necessary for the storage of tools and materials for use in connection with the construction of such dwelling and no accessory building shall be used prior to the erection of such dwelling for any purposes other than for storage.'*
- 'c) Except as may be provided herein any accessory building which is not part of the main building shall be erected to the rear of the front line of the main building and shall comply with the yard requirements of the zone in which such building is situated and such accessory uses shall not occupy more than 10 per cent (10%) of the lot area.'*

The application was circulated to the Township of Tehkummah on May 27th, 2025 as part of the preliminary review due to the location of the two small sheds on the proposed retained land, which are not accessory to a dwelling.

Barbara Griggs, Deputy Clerk-Administrator for the Township of Tehkummah advised via email on June 17th, 2025 that the land owner should plan to move the sheds to an adjacent property where there is a dwelling. Mr. Coultis was advised of the Township comments.

Services will consist of private wells and private individual septic systems when required.

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

There appears to be a Hydro line along Highway No. 6. Hydro one was circulated for comments as part of the preliminary review. They advised that they have no concerns; they do not have an unregistered easement over the property and do not require one for occupational rights; and that they have no poles or plant on the property.

There are no barns within the subject land or within a 750 metre search distance. The Minimum Distance Separation (MDS) Formulae calculation is not required.

A Deer Wintering Area is identified within the subject land. The Official Plan guidelines state that new lots having a minimum frontage and depth of 90 M. would be exempt from an Environmental Impact Study (EIS). The proposed severed and retained lots meet this criteria for exemption.

There is a category 'High' for Wildland Fire Hazard identified within a small portion of the retained land; not within the proposed severed land.

The Provincial Planning Statement (PPS) 2024 states under Section 5.2.9:

'Development shall generally be directed to areas outside of lands that are unsafe for development due to the presence of hazardous forest types for wildland fire.'

'Development may however be permitted in lands with hazardous forest types for wildland fire where the risk is mitigated in accordance with wildland fire assessment and mitigation standards.'

*Board Minutes
August 26th, 2025 - Continued*

*Application File No. B18-25
August 26, 2025 - continued*

Any proposed structures within the most southerly portion of the retained land may require mitigation for Wildland Fire risk and an Environmental Impact Study (EIS) confirming there would be no negative impact to the Deer Wintering Area.

It appears there would be building envelopes outside the area of influence(s) that would conform to the Natural Heritage Policies of the Provincial Planning Statement (PPS) 2024. The subject proposal 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.

The application was circulated on August 6th, 2025 to the Township of Tehkummah, Bell Canada, the Ontario Ministry of Transportation (MTO), 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 Township of Tehkummah recommend consent be granted and noted that the applicant has offered to remove the two sheds and they should be removed.

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

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

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) 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 written confirmation from the Township of Tehkummah that there is conformity to their Zoning By-law for the proposed severed and retained land, satisfactory to the municipality, i.e removal of the two sheds;
- iii) a written confirmation from the Ministry of Transportation (MTO) that Entrance Permits and any other required permits have been received or issued, satisfactory to the requirements of MTO;
- iv) a fee of \$150.00 for each Transfer of Land submitted for Certification; and
- v) a written confirmation from the Township of Tehkummah that all outstanding municipal taxes have been paid for the subject 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. Wildland Fire, Deer Wintering Area.

Note: Further development by the Consent to Sever process may not be considered.

Board Minutes
August 26th, 2025 - Continued

Application File No.: B19-25 No. of Members Present: 6
Date of Decision: August 26, 2025
Location of Property: Part of Lot 21, and Lots 22 & 23, Conc. II, Township of Tehkimmah,
District of Manitoulin

DECISION

The purpose of this application made under Section 53(1) of the Planning Act by Earl and Kathleen Albrecht is to provide for the creation of a new lot consisting of Part of Lot 21, Conc. II located north west of the Manitou River, having frontages of ± 313 M. along the maintained municipal road known as Concession Road 2 and ± 862.9 M. along the 20th Side Road Allowance which is only partly maintained by the Township a distance of ± 223.0 M., and an average depth of ± 934 M., thereby containing an area of ± 39 Hec. The applicants' dwelling, barn, drive/storage shed, 2nd storage shed, garden shed, tool shed and private phone booth are located within this land. According to the applicants the tool shed has fallen down and the dwelling is to be demolished and replaced with a new one. Farm related residential uses are proposed to continue for a family member.

The land to be retained, consisting of Lots 22 & 23, Conc. II, has a frontage of ± 804 M. on the municipal road known as Concession Road 2, which is only partly maintained a distance of ± 162 M., and a depth of $\pm 1,005$ M., thereby containing an area of ± 80 Hec. According to the application there is a tree stand located within the land and the applicants are proposing to construct a new dwelling for themselves for farm related residential uses.

Services for the severed land consist of a private individual well and a private individual septic system. The applicants have received two Sewage System Permits for new septic systems for the severed and the retained land from the Public Health Sudbury and Districts (PHSD), No. 401-25-SP011 and No. 401-25-SP019.

There appears to be Hydro Lines along Concession Road 2 and along the 20th Side Road Allowance.

Hydro One was circulated as part of the preliminary review of the application and they have advised that they have no concerns; they do not have an unregistered easement over the property and they do not require an easement; and that there are no Hydro One poles on the property.

Access for the severed land is via an existing entrance #824 Concession Road 2, a partly maintained municipal road. Access for the proposed retained land is also to be from Concession Road 2.

The subject land is designated as a Rural Area in the Official Plan for the District of Manitoulin and is zoned mostly Agriculture with some Rural (R) Zone at the south west corner of Lot 23, Conc. II and some Hazard (02) Zone along the Manitou River at the south east corner of Lot 21, Conc. II.

Official Plan Policy under C.5 - Rural Areas - under C.5.2.2. states:

'Development in Rural Areas will be subject to policies of Section E.2.'

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.

Zoning By-law No 80-02 for the Township of Tehkummah under Section 6.3 - Accessory Uses - states:

- ' b) An accessory building shall not be erected prior to the erection of a permitted dwelling on the same lot except where it is necessary for the storage of tools and materials for use in connection with the construction of such dwelling and no accessory building shall be used prior to the erection of such dwelling for any purposes other than for storage.*
- c) Except as may be provided herein any accessory building which is not part of the main building shall be erected to the rear of the front line of the main building and shall comply with the yard requirements of the zone in which such building is situated and such accessory uses shall not occupy more than 10 per cent (10%) of the lot area.'*

*Board Minutes
August 26th, 2025 - Continued*

*Application File No. B19-25
August 26, 2025 - Continued*

The applicants were advised that the existing phone booth and existing tree stand may not conform to the municipal zoning by-law and may need to be moved or removed.

There is a barn located within the proposed severed land. The minimum distance separation (MDS) formulae does not apply when a dwelling and a barn are located on the same lot. There is also a barn identified within Lot 21, Conc. I, to the north. A new residential building site within the retained land could meet the requirements of the MDS formulae requirements for the existing farm related structure, as required by the Ontario Ministry of Agriculture Farm and Rural Affairs (OMAFRA).

There are small isolated pockets of category 'High' and 'Extreme' for Wildland Fire Hazard identified within Lot 23, Conc.II; not within Lots 21 or 22, Conc. II.

The Provincial Planning Statement (PPS) 2024 states under Section 5.2.9:

'Development shall generally be directed to areas outside of lands that are unsafe for development due to the presence of hazardous forest types for wildland fire.

Development may however be permitted in lands with hazardous forest types for wildland fire where the risk is mitigated in accordance with wildland fire assessment and mitigation standards.'

Any proposed structures within Lot 23, Conc. II may require mitigation confirming there would be no negative impacts.

From information available, a Historical Lake Sturgeon Habitat is identified in the Manitou River.

The Ontario Ministry of the Environment, Conservation and Parks (MECP) was consulted for technical advice and they provided the following comments (in part), on June 6th, 2025:

' The Endangered Species Act (ESA) 2007 does not require a species at risk (SAR) assessment or authorization from activities such as lot severances, passing of by-laws, land sales, or purchases. These activities are considered administrative and by themselves do not contravene the ESA. If additional development or activities are proposed after the administrative activities that could impact species at risk or their habitat, an ESA permit or authorization may be required. Please refer to the How to get an Endangered Species Act Permit or Authorization webpage for more information on what activities require an authorization and for the types of permits and authorizations.'

From information available, the subject land does not appear to have any natural heritage features or species at risk (SAR) concerns. The proposal is considered to be in conformity with the PPS 2024.

The application was circulated on August 7th, 2025 to the Township of Tehkummah, Bell Canada, the Ontario Ministry of Transportation (MTO) 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 Township of Tehkummah recommend consent be granted and noted that the Township does not consider the phone booth or the tree stand as accessory buildings; they are under 160 square feet; no permit has been issued nor would be required to be issued; nor any application made to obtain a building permit.

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

The Ontario Ministry of Transportation (MTO) advised that they have no concerns as the subject lands are not located within their permit control area (PCA).

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

*Application File No. B19-25
August 26, 2025 - Continued*

Discussion was had regarding the type and location of the existing structures; building permits for the existing structures; conformity to the Municipal Zoning By-law; and the Township comments.

The Board were in agreement that a full survey would be required for the severed land to determine the lot boundaries, the location of the Manitou River, and any possible encroachment of the municipal road onto the subject property.

*Board Minutes
August 26th, 2025 - Continued*

*Application File No. B19-25
August 26, 2025 - Continued*

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) 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 written confirmation from the municipality that any portion of a travelled road which is maintained by the municipality that encroaches onto the subject land, has been surveyed and conveyed to the municipality, satisfactory to the municipality;
- iii) a written confirmation from the municipality that an entrance permit from Concession Road 2 for the retained land, has been issued or can be issued, satisfactory to the municipality;
- iv) a fee of \$150.00 for each Transfer of Land submitted for Certification; and
- v) 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 not apply to any subsequent conveyances of or in relation to the parcel of land being the subject of this application.

Note: Owners of the subject land should be made aware that building permit restrictions may apply, i.e. species at risk, wildland fire hazard, zoning by-law compliance.

Board Minutes
August 26th, 2025 - Continued

Application File No.: B20-25 No. of Members Present: 6
Date of Decision: August 26, 2025
Location of Property: Part Lot 1, Conc. XI, Being Lots 6, 7, 8, and 9, East Side of Munro
Street, on Plan 6 for Providence Bay, Township of Carnarvon,
Municipality of Central Manitoulin, District of Manitoulin

DECISION

The purpose of this application made under Section 53(1) of the Planning Act by Shelley Pelletier on behalf of Doris Elaine Cress is to provide for the creation of a new lot, consisting of Lot 6 and Part of Lot 7 on Plan 6 for Providence Bay, having a frontage of ±37.28 M. on Munro Street, a maintained municipal street, and a depth of ±40.28 M. thereby containing an area of ±1502 Sq. M. The applicant's two travel trailers are located within this land. Ms. Pelletier has advised that the trailers are to be removed. Residential uses are proposed for this new lot.

The retained land, consisting of Part of Lot 7, and Lots 8 & 9 on Plan 6 for Providence Bay, has a frontage of ±43.28 M. on Munro Street, a maintained municipal road, and a depth of ±40.28 M., thereby containing an area of ±1743 Sq. M. The applicant's dwelling, workshop, storage shed, and wood shed are located within this land. According to the application Lots 6 and 7 have construction materials (steel beams, steel for roofing, wood planks, scaffolding) located on this land. According to the application, the existing Industrial type uses and the accessory residential use have existed for a long time and are proposed to continue for this lot.

There has been an Application for Validation of Title, File No. V01-2025, approved by the Manitoulin Planning Board on February 25th, 2025, to correct a contravention to the Planning Act. A transfer of land, by Instrument No. T-15454, transferred Lots 3, 4 & 5, on Plan 6 without Consent to Sever approval, while the landowner had an interest in abutting land. Under Section 50(3) of the Planning Act, this transfer is invalid; Ms. Cress still has an interest in this parcel of land. When the Validation Application is completed, it will provide clear title to Lots 3, 4, & 5 and will (legally) be a separate parcel of land.

The subject land has been designated Village Area in the Official Plan for the District of Manitoulin and zoned General Industrial (M1) according to the Municipal Zoning By-law.

Official Plan Policy D.9.4.1.1. states in part:

- '3. At the Planning Board's discretion, applications for minor variance and consent may also be required to document previous uses to assist in the determination of the potential for site contamination.'

Official Plan Policy D.9.4.1.1. states in part:

- '7. A Record of Site Condition may, at the Planning Board's discretion, be a required condition of approval under this Plan.'

Due to the Industrial Zone and current Industrial/construction type uses, and outside storage etc., the Ministry of the Environment, Conservation and Parks (MECP) was circulated for comments.

MECP advised via email on July 16th, 2025:

'Please note that, if the property owner would like to continue the industrial operations in the southern portion of the property, then there will not be any change in the use as a result a Record of Site Condition (RSC) is not mandatory.'

If the owner of the property would like to sever the northern portion of the property where there was no industrial use that took place and convert that into a Residential use, the Owner with the help of a qualified professional (QP) to assess and make sure that the industrial use from the southern portion of the property has not spilled over to the northern portion due to this legal severance, and the northern portion of the property will not fall into one of the less stringent property uses (industrial, commercial or community), then an RSC is not mandatory.'

However, please note that this advise is based on the limited information that you have provided and we may not have full details of the actual property use. So, I recommend the property owner hire a consultant (QP) to properly assess the actual property use and determine whether there is any requirement to submit a RSC for filing or not. Hope this is helpful.'

Ms. Pelletier was advised that:

'..... so long as the northern portion of the property can be confirmed to have not been used for industrial/commercial uses, then a Record of Site Condition (RSC) would not be mandatory.'

Board Minutes
August 26th, 2025 - Continued

Application File No. B20-25
August 26, 2025 - continued

In review of the Ministry of Environment, Conservation and Parks (MECP) D-Series Guidelines – Setbacks for Industrial Uses - new residential uses in proximity to industrial uses must be able to meet the minimum setbacks set out by Policies of the Section D-6 - Compatibility Between Industrial Facilities Guidelines. In order to accommodate the proposed residential use on the severed land, industrial uses on the retained land would have to be restricted to uses meeting the criteria of Class I Industrial Uses in the guideline (being a self-contained process or plant with infrequent emissions and no outside storage). Within the permitted uses in the M1 General Industrial zone a contractor's shop, a warehouse, a manufacturing plant, a processing plant, and a dry industry, with no outside storage permitted, would meet the Class I criteria of being self-contained and having no outside storage. Residential uses on the severed land would have to be restricted within 20 m of the industrial use to meet the minimum separation distance for Class I Industrial uses.

The current Zoning By-law, No. 2002-07 for the Municipality of Central Manitoulin, under Section 7.14 - General Industrial (M1) Zone, requires a minimum lot area of 1858 Sq. M., a minimum side yard and rear yard setback for accessory structures of 3.0 m., and a minimum front yard setback for a dwelling of 9.0 M. Under Section 7.4 - Hamlet Residential (RH) Zone the minimum lot area requirement is also 1858 Sq. M.

Ms. Pelletier, agent for the application, was advised that she would need the support of the municipality to create the lots as proposed. She acknowledged that an amendment to the municipal zoning by-law may be required to:

For the Severed Land

- to rezone from General Industrial (M1) to Hamlet Residential (RH);
- to permit a reduced lot area from 1848 Sq. M. to 1502 Sq. M. - a reduction of 19%;
- to restrict residential uses within 20 metres of the retained land to conform to D-series guidelines Class 1 Industrial uses - minimum setbacks.

For the Retained Land

- to permit a reduced lot area from 1848 Sq. M. to 1743 Sq. M. - a reduction of 6%;
- to permit a reduced northerly interior side yard from 3.0 metres to 0.76 metres for the existing woodshed; permit a reduced front yard setback from 9.0 metres to 6.0 metres for the existing dwelling; and permit a reduced rear yard setback from 3.0 metres to 2.0 metres for the existing workshop; and
- restrict the Industrial uses to:
 - a contractor's shop or yard, a warehouse, a manufacturing plant, a processing plant, and a dry industry, all with no outside storage permitted, so that the residential uses for the proposed severed lot will conform to the D-series guidelines Class 1 Industrial uses - minimum setbacks.

Access for the retained land is via an existing entrance, #32 Munro Street, a maintained municipal road. A new entrance will be required from Munro Street, for the proposed severed land.

As part of the preliminary review, the Ontario Ministry of Transportation (MTO) was circulated for comments. Cameron Cole, Corridor Management Planner, MTO, advised:

' I can confirm that the subject lands are located within the MTO's permit control area (PCA); and therefore, are 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 MTO supports the proposed applications in principle, with the following comments to consider:

All access for both severed and retained lots must be remain from Munro St. No direct access to Hwy 551 will be permitted.

No MTO entrance permits required.

An MTO building/land use permit is required for the placement of any new buildings/structures within 45 meters of the Hwy 551 property line.

Any future development or change in land use must be subject to MTO review and approval.

All permits can be applied for online at the following link:
<https://www.hcms.mto.gov.on.ca/>

Any questions regarding permitting or setbacks can be directed to Michelle Lavallee, Corridor Management Officer at michelle.lavallee@ontario.ca Please don't hesitate to contact me if there are any additional questions or concerns.'

Board Minutes
August 26th, 2025 - Continued

Application File No. B20-25
August 26, 2025 - continued

Ms. Pelletier was provided a copy of the MTO comments and advised that the land is outside the required 45 metre MTO permit buffer.

There is a hydro line identified along Munro Street, to the west. Hydro One was circulated for comments and they advised that they have no concerns; that they do not have an unregistered easement over the property and do not require one; and that there are no hydro poles present on the subject land

Services consist of a private well and a private septic system. Services for the severed land will consist of a private individual septic system and a private well when required.

The Public Health Sudbury and District 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.

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

The application was circulated on August 11th, 2025 to the Municipality of Central Manitoulin, 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 advised by Resolution that:

' the Finance and Economic Development Committee recommend to Council that the Municipality supports the reduced size for both properties in this circumstance being Lots 6 through 9 East Side Munro Street on Plan 6 for Providence Bay, that an amendment be required to rezone the severed land to residential and to bring the property into conformity.....carried.'

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

There have been no inquiries or concerns received as a result of circulation to property owners within 60 metres or the posting of the notice.

S. Pelletier, agent for the application, was in attendance and gave a 'History' of the property. She presented four affidavits noting the past uses of Lots 6 and 7, as far back as 1975. She also provided six photos supporting no past industrial/commercial type uses within Lots 6 and 7. She advised that the Validation of Title Application is to be completed very soon.

During consideration of the application, the Board discussed the Industrial/commercial uses and the need for a Record of Site Condition (RSC). From the information made available, the Board were satisfied that there has been no portion of the proposed severed land that has been used for industrial/commercial uses and they were in agreement to waive a RSC, in this circumstance.

There was no one else 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) given conditional approval. This Schedule must also contain the names of the parties indicated on the Transfer of Land form.

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Application File No. B20-25
August 26, 2025 - continued

Accompanying the transfer documents shall be:

- i) a reference plan of survey, which bears the Land Registry Office registration number of its deposit therein, which illustrates the parcel(s), to which the consent approval relates;
- ii) a copy of an approved amendment to the Municipal Zoning By-law:

rezoning the severed land to Hamlet Residential (RH) Zone and permitting a reduced lot area of 1502 Sq. M.; and permitting the retained land to have a reduced lot area of 1743 Sq. M., and permitting a reduced northerly interior side yard from 3.0 metres to 0.76 metres for the existing woodshed; permitting a reduced front yard setback from 9.0 metres to 6.0 metres for the existing dwelling; and permitting a reduced rear yard setback from 3.0 metres to 2.0 metres for the existing workshop, satisfactory to the Municipality;

AND

to restrict residential uses within 20 metres of the retained land and to restrict the Industrial uses on the proposed retained land to:

- a contractor's shop or yard, a warehouse, a manufacturing plant, a processing plant, and a dry industry, all with no outside storage permitted,

satisfactory to the Municipality;

- iii) a written confirmation from the municipality that the severed land is in conformity with the municipal zoning By-law, satisfactory to the municipality, i.e. removal of the two travel trailers;
- iv) a written confirmation from the municipality that an entrance permit from Munro Street, for the proposed severed lot, has been or can be issued, satisfactory to the municipality;
- v) confirmation that the Validation of Title Application, File No. V01-2025, has been completed and a copy of the registered document(s) have been provided to the Planning Board Office, satisfactory to the Manitoulin Planning Board;
- vi) a fee of \$150.00 for each Transfer of Land submitted for Certification; and
- vii) a written confirmation from the municipality that all outstanding municipal taxes have been paid for the subject 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: Owners of the subject land should be made aware that building permit restrictions apply, i.e. use and location of structures.

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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:

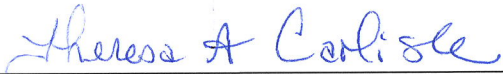
	<u>Moved By</u>	<u>Seconded By</u>
1. B16-25 and B17-25	D. Osborne	J. DeForge
***That these applications be deferred.		
2. B18-25	J. DeForge	D. McDowell
3. B19-25	J. DeForge	R. Stephens
4. B20-25	K. Noland	R. Stephens

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 above motion applies to all applications excepting File No's. B16-25 and B17-25.

The time now being 9:33 p.m. and all business before the Board having been dealt with, the Meeting was adjourned on a motion moved by D. McDowell and seconded by K. Noland,
- Carried Unanimously.

L. HAYDEN, CHAIR


T.A. CARLISLE
SECRETARY-TREASURER