



MANITOULIN PLANNING BOARD

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July 23, 2025

MINUTES OF PLANNING BOARD MEETING - July 22nd, 2025

At a Meeting of the Manitoulin Planning Board held at the Planning Board Office, Gore Bay, Ontario, on Tuesday, July 22nd, 2025, the following Members of Planning Board were present:

- | | | | |
|----|-------------|----|-------------|
| 1. | L. Hayden | 5. | R. Stephens |
| 2. | K. Noland | 6. | B. Barker |
| 3. | D. McDowell | 7. | D. Osborne |
| 4. | J. DeForge | | |

Regrets: L. Chappell and D. Head

Also in attendance for the meeting were:

E. Gilchrist, for Consent to Sever File No. B11-25;
M. Gagnon, agent, and R. Gagnon, interested party, for Consent to Sever
File No's. B13-25 and B14-25.

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 June 24th, 2025.

Board Member, D. Osborne, declared a Conflict of Interest for Consent to Sever File No's. B13-25 and B14-25.

There were no other 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 B. Barker that the Order of Business be adopted
- Carried.

2. MINUTES OF PREVIOUS BOARD MEETING - June 24th, 2025

The Chair announced that the Minutes of the Board Meeting held on June 24th, 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 J. DeForge that the Minutes be adopted,
- Carried.

BUSINESS ARISING FROM MINUTES OF THE PREVIOUS BOARD MEETING

- June 24th, 2025

There was none.

3. VARIABLE EXPENDITURES

R. Stephens, Board Member, asked for an explanation of the amount from innov 8 Office Solutions.

There were no other requests from the Board.

MOTION

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

Board Minutes
July 22nd, 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. NATURAL HERITAGE SYSTEM STRATEGY (NHSS)

The Secretary-Treasurer reported she has received resolutions/motions from all the eight member municipalities regarding the Official Plan Amendment (OPA) for the Natural Heritage System Strategy (NHSS), as amended by the Ministry of Municipal Affairs and Housing (MMAH) on November 19th, 2024. Five of the municipalities have opposed the proposed NHSS and three of the municipalities have supported the proposed NHSS.

The Townships of Dawson and Robinson were circulated for comments. However, no comments have been received.

This information has been forwarded on the MMAH, via email, on July 15th, 2025.

6. MUNICIPAL FINAL REQUISITIONS 2025

The Secretary-Treasurer reported that all 2025 final municipal requisitions have been received.

7. NORTHERN ONTARIO HERITAGE FUND CORPORATION (NOHFC)

The Secretary-Treasurer reported that the Manitoulin Planning Board is still waiting for confirmation regarding internship funding from the Northern Ontario Heritage Fund Corporation (NOHFC); have been waiting since May 2025. She will follow-up again and report back to the Board at the next Regular Planning Board Meeting.

8. FINE FEE SCHEDULE

The Board Members were provided with a summary prepared by staff Member, J. Diebolt, regarding the difference between a *Penalty* and a *Fine*.

The Secretary-Treasurer explained that for the purposes of the Planning Act and the Manitoulin Planning Board, there is no distinction between a fine and a penalty.

*Board Minutes
July 22nd, 2025 - Continued*

Application File No: B11-25 No. of Members Present: 7
Date of Decision: July 22, 2025
Location of Property: Part Lot 17, Conc. II, Surveyed as Parts 3 and 4, Plan 31R-1174,
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 Allan Holroyd on behalf of Cedar Grove Resort Manitoulin Inc. is to provide for a lot addition having a frontage/width of ± 5.5 M. along part of the municipal shoreline allowance known as Waggs Lane, which is a privately maintained access, and an irregular length of ± 25.27 M., thereby containing an area of ± 79 Sq. M. This lot addition is to be added to an existing lot to the south, surveyed as Part 6, Plan 31R-1174, owned by E. Gilchrist, located at #9 Waggs Lane, containing her seasonal dwelling and guest cabin. Part 6, Plan 31R-1174 has frontages of ± 24.47 M. along Waggs Lane and ± 41.41 M. along Ketchankookem Trail, a maintained Township Road and an average depth of ± 33.3 M., and containing an area of ± 663 Sq. M. Ms. Gilchrist also owns a small lot to the north of the lot addition, surveyed as Part 5, Plan 31R-1174, containing her garage. The lot addition land and Part 6, Plan 31R-1174 and Part 5, Plan 31R-1174 are to be consolidated together resulting in a larger lot having frontages of ± 35 M. along Waggs Lane and ± 41.41 M. along Ketchankookem Trail and containing a total area of 761 Sq. M. (± 0.76 Hec.), which will contain all the structures on one lot.

The land to be retained, located at #544 Ketchankookem Trail, will have frontages of ± 128.29 M. along Ketchankookem Trail, a maintained municipal road, and ± 131.55 M. along Waggs Lane, an average/irregular depth of ± 182 M., thereby containing an area of ± 2.2 Hec. The Commercial rental cottage operation business, known as Cedar Grove Resort Manitoulin Inc., contains a dwelling, a portable storage container, a storage shed and twelve (12) cottages, which are located within this land.

According to the application the lot addition lands have been used by Ms. Gilchrist to access her garage.

There have been no previous applications for consent to sever involving the subject land. However, survey Plan 31R-1174 was done during consideration of File No. B61-82, involving lands to the north.

Mr. Holroyd was advised that he may need an amendment application approved by the Municipality, to permit the portable storage container to remain within the subject land; to rezone the lot addition land from Commercial Recreational (CR) to Shoreline Residential (SR) Zone and that cottage 'I' as identified on the application sketch, may need to be moved as it appears to encroach onto the municipal shoreline allowance (Waggs Lane).

Zoning By-law No. 2002-07 for the Municipality of Central Manitoulin, under Section 7.12 - Commercial Recreation (CR) Zone - requires a minimum front yard setback of 9 metres.

The application was circulated on May 2nd, 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.

Mr. Holroyd has submitted an Application for Amendment to Zoning By-law No. 2002-07, which is currently being reviewed.

The subject land has been designated as Shoreline Area in the Official Plan for the District of Manitoulin and zoned Commercial Recreational (CR). The Commercial business is proposed to continue. The lot addition land is to be used for seasonal residential uses.

According to the application services consist of a private (dug) well and a private septic system for the retained land. A certificate of approval, dated May 31st, 1983, accompanied the application.

Services for the lot benefiting from the lot addition consist of a private septic system and water from Lake Mindemoya. A copy of the Inspection report for the existing septic system, dated July 29, 1992, accompanied the application.

Board Minutes
July 22nd, 2025 - Continued

Application File No. B11-25 - continued
July 22, 2025

There is a Hydro line identified within the subject land. Hydro One advised they have no concerns and that they have an existing unregistered easement over the property; no new rights are required; and that Hydro One owns the poles.

Access is via an existing entrance from the municipal shoreline allowance, at #9 Waggs Lane, a privately maintained access, for the lot being granted the lot addition, and via an existing entrance at #544 Ketchankookem Trail, a maintained municipal road, for the retained land.

From information available, the subject land 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 (PPS) 2024.

This application was circulated on June 27th, 2025 to the Municipality of Central Manitoulin, 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 Municipality recommend consent be granted and advised via email on July 21st, 2025 that:
'In regards to the above noted file, the Municipality will require the following conditions for the Consent to Sever:

- *A Hold Harmless Agreement to be signed and registered on the Property Deed for the encroachment on the Marine Allowance,*
- *Zoning Amendment approval to permit one portable storage container on the Commercial Property,*
- *Zoning Amendment approval to permit the encroachment of cottage I on the Marine Allowance, and*
- *that the Municipality is willing to change the 'lot addition' lands from CR to SR in our new By-law Update.'*

A Renovation Permit, No. 2022-63, dated November 18th, 2022 for the existing cottage within Part 6, Plan 31R-1174, was provided by the Municipality.

Bell Canada advised they have no comments regarding the application proposal.

MTO advised they have no comments or concerns as the subject lands are not located within MTO's permit control area (PCA).

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

E. Gilchrist was in attendance during consideration of the application.

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 and state this conveyance is a consolidation of the severed lands with lands identified by the property identification numbers (PINs) and confirmed by a copy of the Parcel Register.

*Board Minutes
July 22nd, 2025 - Continued*

*Application File No. B11-25 - continued
July 22, 2025*

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) an undertaking from a Solicitor stating that the severed parcel will be consolidated on title with the benefiting lands surveyed as Part 6, Plan 31R-1174 and a copy of the resulting land Transfer(s), and the new resulting Property Identification Number (PIN)(s) will be provided to the Manitoulin Planning Board;
- iii) an undertaking from a Solicitor stating that the Part 5, Plan 31R-1174 will be consolidated on title with Part 6, Plan 31R-1174 and the lot addition land and a copy of the resulting land Transfer(s), and the new resulting Property Identification Number (PIN)(s) will be provided to the Manitoulin Planning Board;
- iv) a copy of an approved amendment to the Municipal Zoning By-law permitting the existing portable storage container to remain within the proposed retained land, satisfactory to the municipality;
- v) a copy of an approved amendment to the municipal zoning by-law permitting cottage 'I', as identified on the application sketch, to encroach onto the municipal shoreline allowance, satisfactory to the municipality;
- vi) a written confirmation from the municipality that a Hold Harmless Agreement has been signed and registered on the Property Deed for the encroachment of the cottage on the Marine Allowance;
- vii) a written confirmation from the municipality that the lot addition land has been rezoned from Commercial Recreation (CR) Zone to Shoreline Residential (SR) Zone, satisfactory to the municipality;
- viii) a fee of \$150.00 for each Transfer of Land submitted for Certification; and
- ix) 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 approval of The Ministry of Natural Resources (MNR) and the Department of Oceans and Fisheries(DFO) and the Municipality.

*Board Minutes
July 22nd, 2025 - Continued*

Application File No.. B12-25 No. of Members Present: 7
Date of Decision: July 22, 2025
Location of Property: Part of Lots 3 and 4, Conc. V, surveyed as Parts 1 and 2, Plan 31R-1809 and Part 1, Plan 31R-3165 (including Parts 1 & 2, Plan 31R-1894 - right-of-way), Township of Billings, District of Manitoulin

DECISION

The purpose of this application made under Section 53(1) of the Planning Act by Menesa Corbiere on behalf of Rodney Corbiere and Barbara Osawabine is to provide for the creation of a new lot having a minimum frontage of ± 46 M. on Whitefish Lake and an average depth of 138 M., thereby containing an area of ± 0.85 Hec. This lot will be together with a right-of-way over a privately maintained access to Otter Lake Road.

The land to be retained, located at #611 Otter Lake Road, has a frontage of ± 103.7 M. on Whitefish Lake and an irregular/average depth of ± 315.6 M. thereby containing an area of ± 3.2 Hec. According to the applicants' land transfer, this property is together with a right-of-way over Part 4, Plan 31R-2475, to Otter Lake Road, a seasonally maintained municipal road. The applicants' dwelling, garage and garden shed are located within this land. It appears that the garden shed may encroach onto the proposed severed land.

There has been a previous Application for Consent to Sever, File No. B11-02, that provided for a lot addition of Part 1, Plan 31R-3165 which was added to and consolidated with Parts 1 and 2, Plan 31R-1809 and to recognize the existing right-of-way. This is the land subject to the current application.

Access is via private right-of-way over Part 4, Plan 31R-2475 to Otter Lake Road, a seasonally maintained municipal road.

According to the applicants' land transfer they own the right-of-way, surveyed as Parts 1 and 2, Plan 31R-1894 that traverses their land. From a review of the nearby properties and previous applications for Consent to Sever, it appears that the subject land is subject to right-of-way over Parts 1 & 2, Plan 31R-1894. Their lot is also together with a right-of-way over Part 4, Plan 31R-2475 to Otter Lake Road.

Services consist of a private well and a private individual septic system.

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

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

The Municipal Zoning By-law, No. 2022-57, under Section 7.0 - Shoreline Residential (SR) Zone, permits a seasonal residential dwelling where the road is not maintained year round and a single detached dwelling if the road is maintained year round.

The application was circulated on February 3rd, 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.

There is a Hydro Line identified within the subject land. Hydro One advised they have an unregistered easement over the subject land; no new easement is required; and Hydro One owns the poles. They also advised that no buildings, trees or brush can be within 10 feet on each side of the centre line of the existing Hydro line and if the land owners wish to have the existing line relocated they need to be aware that they will be responsible for 100 percent (100%) of the relocation cost which could be costly.

The comments received from Hydro One were provided to the applicants.

A wildland fire category of 'extreme' is identified within a small portion of the land located at the north-west, surveyed as Part 1, Plan 31R-3165 and a category of 'high' is identified within the easterly $\pm$ half of the proposed severed and the proposed retained land. The wildland fire policies encourage construction to be within the low risk areas of the property. The existing structures within the retained land are outside the area of influence. It appears that the proposed severed land has sufficient area to mitigate wildland fire risk if construction is kept to the westerly portion of the new lot.

Board Minutes
July 22nd, 2025 - Continued

Application File No. B12-25 - continued
July 22, 2025

From information available, the subject land 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 (PPS) 2024.

The application was circulated on June 27th, 2025 to the Municipality of Billings, The M'Chigeeng First Nation, 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 Municipality advised that they have no concerns with the application and recommend that Consent be granted with no specific conditions.

The M'Chigeeng First Nation is within 1 km of the subject land. Otter Lake Road crosses the First Nation land to reach Old Highway 551 and Highway 551. The applicants provided a letter from the West Bay First Nation Chief, Glen Hare, dated July 22, 1997, confirming the right of access and confirming that the First Nation will provide ongoing access to the property and subsequent purchasers. No additional comments have been received from the M'Chigeeng First Nation.

Bell Canada advised via email on July 7th, 2025, they have no comments or concerns.

MTO advised via email on February 4th, 2025 that the subject land is located outside their permit control area (PCA); therefore have no comments to provide at this time.

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

Discussion was had regarding the status of Otter Lake Road; it is not snow ploughed by the municipality; if it is seasonally maintained by the municipality; seasonal residential uses are permitted in the Shoreline Residential Zone on a privately maintained right-of-way and seasonally maintained access.

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 one year 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 the right-of-way(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) and the right-of-way, to which the consent approval relates;
- ii) a written confirmation from the municipality that there is conformity to their Zoning By-law for the proposed severed and retained land, satisfactory to the municipality, i.e. garden shed, existing dwelling;
- iii) a fee of \$150.00 for each Transfer of Land submitted for Certification; and
- iv) 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: It is recommended that the Building Official, when issuing any building permits for the subject lands, be satisfied that the building site is outside the area of influence, e.g. wild land fire hazard, is a minimum of 10 feet on each side of the centre line of the existing hydro line.

Board Minutes
July 22nd, 2025 - Continued

Application File No.: B13-25 No. of Members Present: 7
Date of Decision: July 22, 2025
Location of Property: Part Lot 7, East Range, Township of Gordon, Municipality of Gordon/Barrie Island, District of Manitoulin

DECISION

The purpose of this application made under Section 53(1) of the Planning Act by Mathieu Gagnon on behalf of Randy Noble and Meredith Chandler-Noble is to provide for an easement for a proposed Hydro line having a minimum width of 5.0 M. and a length of ± 634 M., thereby containing an area of $\pm 3,170$ Sq. M. (± 0.32 Hec.). This Hydro Easement is to be in favour of an existing ± 13.7 Hec. lot located to the east along Highway No. 542, north of the existing municipal transfer station.

The land to be retained has frontages of ± 144.8 M. and ± 56.67 M. on Poplar Road, a maintained municipal road and a depth of ± 561.7 M., thereby containing an area of ± 17.78 Hec. The applicants' Aggregate Site, license No. 616481, is located within this land.

There have been three previous applications for Consent to Sever, involving Lot 7, East Range.

File No's. 04-51C-79-056 and 04-51C-79-057, approved by the Ministry of Housing in 1979, created two new lots located at the north west corner of Lot 7, surveyed as Parts 1 and 2, Plan 31R-848; and

File No. B47-94, approved by the Manitoulin Planning Board in 1994, created a new lot, surveyed as Part 1, Plan 31R-2633.

There is a simultaneous Application for Consent to Sever, File No. B14-25, that proposes a Hydro Easement, over Part 1, Plan 31R-2633, also in favour of an existing ± 13.7 Hec. lot located to the east along Highway No. 542.

The subject land has been designated Aggregate Resource Area in the Official Plan for the District of Manitoulin and zoned Pit and Quarry (Q) by Zoning By-law No. 2022-016 for the Municipality of Gordon/Barrie Island.

Mr. Gagnon, agent for the application, has received approval from the Municipality of Gordon/Barrie Island for an Official Plan Amendment, File No. 2022-016OPA-25-001, that permits a dry industry of a waste to energy project in a Rural Area that is not directly related to a farm operation and for a Municipal Zoning By-law Amendment, File No. 2022-016ZBL-25-003 to permit a renewable energy generation plant and advance recycling, on a Site Specific basis for an existing ± 13.7 Hec. lot located to the east along Highway 542, north of the municipal transfer station.

There is a Hydro line located along Highway No. 542 (to the east) and along Poplar Road (to the west) of the subject land. The proposal is to run a 44 Kilovolts line over the subject land to service the 'waste to energy' facility, as the Hydro service along Highway 542 does not have the required three phase power.

Hydro One was circulated as part of the preliminary review of the application. Hydro One advised via email on May 26th, 2025 that they have no plant (poles) or any issues or concerns with the application at this location.

Access is via an existing entrance, #168 Poplar Road, a maintained municipal road.

The Ontario Ministry of Transportation (MTO) was circulated for comments as part of the preliminary review. C. Cole advised via email on July 3rd, 2025 that:

'I can confirm that the proposed hydro easements are outside our Permit Control Area (PCA); therefore, we have no comments to provide.'

Regarding the Advanced Recycling Facility that we provided comments on earlier this year. I expect that these hydro easements are related to this project. Please note that MTO has not approved this project. No grading, construction, or new entrances can be established until MTO permits have been acquired. As per the attached comments, MTO must receive a revised site plan for our review/approval. Following that, MTO will provide more fulsome comments and submission of additional technical studies will likely be required.'

There are no new sewer or water services required as a result of the application for the Hydro easement.

The application does not propose a new sensitive use in the vicinity of the existing Aggregate Site, i.e residential uses.

This proposal is considered to be in conformity with the Provincial Planning Statement (PPS) 2024.

The application was circulated on July 4th, 2025 to the Municipality of Gordon/Barrie Island, 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.

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Application File No. B13-25 - continued
July 22 2025

The Municipality did not advise of any concerns and recommend approval be given with no specific conditions.

Bell Canada advised that they have no comments and will not be requesting an easement for the proposed consent to sever.

The Ontario Ministry of Transportation advised that they have reviewed the application and confirm that the subject land is not located within the MTO's permit control area (PCA); therefore they have no comments to provide at this time.

There was a visit to the Planning Board Office followed by an email from abutting land owner, B. Bailey, as follows:

'As a followup in writing I have a concern with this proposed easement in that my water well is located on the north edge of the area described as "Wooded Area", so just on the south side of the proposed easement. We had a written agreement with Mr. Noble that I could access and maintain my well/water line as needed. My concern is that I could loose that access and that if the hydro on the easement was run underground my waterline could be impacted.'

Mr. Bailey's concern was forwarded to M. Gagnon, agent for the application.

Mr. Gagnon provided the following response:

'With respect to the concern raised, we have been made aware by Mr. Noble of the location of the water well and water line. Please note that the proposed power line is entirely overhead. The first utility pole—from the existing powerline at the roadside ditch to the entry point on the property—is situated approximately 300 feet away, well beyond the location of the residential well. As such, there will be no impact on, or excavation around, the well or water line.'

Mr. Bailey was provided with Mr. Gagnon's response, and he advised that this addresses his concern.

There was also a letter of concerns received from an abutting land owner to the north, D. Burt, received on July 16th, 2025 as follows:

'Dear Theresa Carlisle,

- 1. We are 100% against an easement for a Hydro Line to a proposed Waste to Energy project. Information from the news tells us Canada needs to build a large solar panel and or wind power project because when electric powered vehicles come on the market there will be a shortage of power to charge all the batteries. If the Government and Hydro did this on Crown Land between Toronto and Sudbury where a location that would not very much effect the average Canadian Citicen we would be very much in favour of it. Not including anything to do farming area or nuclear energy that produce so much cancer causing polution.*
- 2. We want in writing the Co. name not an abreiveachion and address and phone no of WEST. Why hold back the Company Name; is it reliable? If this project looks good, why don't Mr. Gagnon develop in on his or his fathers property?*
- 3. Will this proposed project cause a lot of heat and air polution? Can all WEST guarantee it is safe?*
- 4. Something else to think about, after this project gets operating, rather then fresh air from the Country blowing into Gore Bay with our prevailing south winds we might get hotter air laced with chemicals, smoke and dust. I have ate fish and water cress from the stream that runs into Lake Wolsley from this area. From its banks we picked morrells, mushrooms, fiddle head ferns and rassberries for the past eighty years. Fed by some springs this creek has always had clear, clear fresh water. A better site for this project might be between Little Current and Espanola to save transportation. The Ammish and Minninite farmers are buying up most farms now and they can't make big silage bales to wrape with plastic. No horse powered machinery to do. We hope this new proposed hydro line and the recycling project will not be approved so the residents in this area will not be worried about their health and land values going down.'*

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Application File No. B13-25 - continued
July 22, 2025

Mr. Burt's letter was forwarded to M. Gagnon, agent for the application and he provided the following response:

'Dear Manitoulin Planning Board,

Thank you for your recent letter. WEST appreciates the opportunity to respond to Mr. Don Burt's correspondence.

At this time, WEST will refrain from commenting on the opinions and personal views expressed, and will instead focus solely on addressing the specific concerns outlined in the letter regarding the proposed private utility line. We remain committed to constructive dialogue and welcome any follow-up as needed.

Concerns raised:

1) Location of the project in reference to traditional renewable energy and nuclear power. The use of farmland for energy generation projects.

- a. The project site was selected due to its legacy waste collection area; this location is essential for effective site operations.*
- b. Existing Hydro One infrastructure along Hwy 542 is single phase. WEST requires three-phase power to operate equipment and generate renewable energy. Noting the optimal circuit being located on Poplar Rd. from the Gore Bay Hydro One distribution station.*
- c. Renewable natural gas (RNG), which the project will produce, is a clean energy source and is not classified as a fossil fuel.*
- d. The private power line will not interfere with the existing land use of adjacent properties hosting the utility route.*
- e. The three parcels receiving approximately 13–15 hydro poles are not designated as farmland and will remain unaffected in terms of agricultural use.*

2) Company name in writing?

- a. Waste Energy Solutions and Technologies Inc. operating as WEST*
- b. Website: www.wasteenergy.ca*
- c. Phone 705-214-9651 ext. 1001*

Why can WEST develop the project on the Gagnon residents?

- d. The Gagnon Residence does not currently have access to three-phase power. The nearest Hydro One 44 kV circuit is located on Poplar Road and connects to the Gore Bay substation.*
- e. Had the necessary services been available, and the land use aligned with best practices, the Gagnon Residence would have fully supported the project. The proposed location, situated adjacent to the legacy landfill sites and the existing transfer station, and in close proximity to a suitable Hydro One circuit, represents the most practical and strategic option for development.*

3) Will the proposed project cause a lot of heat and air pollution?

- a. The proposed project will generate heat within the facility during Phase 1 and subsequent phases. By design, the system captures and repurposes waste heat for internal use onsite, contributing to overall energy efficiency.*
- b. The conversion process operates without exhaust or air emissions, and the use of the RNG equipment will be closely monitored to ensure full compliance with Ontario's Air Emission Standards.*

4) Will prevailing winds carry hotter air, chemicals and dust into Gore Bay? Concerns over water quality in the area.

- a. The proposed process will not contribute to an increase in ambient air temperature in Gore Bay. The facility will be equipped with a Continuous Emissions Monitoring System (CEMS) to ensure adherence to applicable air quality standards.*
- b. WEST utilizes a non-combustion based process operating at elevated temperatures, wherein chemical bonds are separated and consumed without generating exhaust.*
- c. This technology significantly reduces environmental risks commonly associated with legacy landfill sites, including impacts on water and soil quality, odours from the existing transfer station, and the dispersion of waste onto adjacent agricultural lands or along the provincial highway.*
- d. WEST's operations are designed to centralize environmental concerns within a controlled facility, purpose-built to effectively isolate potential risks and manage them in accordance with industry best practices.*
- e. The current transfer station lacks proper infrastructure to effectively manage or prevent leachate from staging bins, potentially impacting groundwater quality in the surrounding area.*
- f. The Municipality of Gordon/Barrie Island continues to work with the Ministry of the Environment, Conservation and Parks (MECP) to monitor groundwater conditions associated with legacy landfill sites on the adjacent property.*
- g. The proposed project represents a more sustainable alternative, offering improved environmental safeguards and helping the Municipality reduce long-term ecological risks.*

5) The use of agricultural wrap in traditional farming, Amish and Mennonite farms.

- a. Bale or silage wrap offers farmers a host of practical and economic benefits, especially when preserving forage for livestock. Here's a breakdown of the key advantages:*
 - i) Maintains feed quality by creating an airtight seal that promotes anaerobic fermentation*
 - ii. Retains up to 90% of original nutrients, ensuring high-energy and protein-rich forage*
 - iii. Improves palatability, leading to better livestock intake and performance*
 - iv. Reduces spoilage rates by up to 30%, saving feed and money*
 - v. Having a local solution to agriculture wrap once exhausted allows all farmers to access a safe and local disposal option to preserve their land and associated waste. WEST is pleased to support our farming community.*

WEST remains deeply committed to environmental stewardship, offering a climate-positive solution to waste management that focuses on value recovery, local impact, and reduced reliance on land filling. Through innovation and collaboration, WEST is proudly working to establish Manitoulin Island as a global leader in sustainability, aiming to make it the greenest island in the world.'

*Board Minutes
July 22nd, 2025 - Continued*

*Application File No. B13-25 - continued
July 22, 2025*

Mr. Gagnon's response letter was mailed to D. Burt at the address he provided.

There were no other inquiries or concerns received as a result of circulation to property owners within 60 metres and/or the posting of notices.

M. Gagnon, agent for the application, and R. Gagnon, interested party, were in attendance during consideration of the application.

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 hydro easement given conditional approval. This Schedule must also contain the names of the parties indicated 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 hydro easement having a minimum width of 5.0 metres, to which the consent approval relates;
- ii) a fee of \$150.00 for each Transfer of Land submitted for Certification; and
- iii) 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: Board Member, D. Osborne declared a Conflict of Interest with this application.

Board Minutes

July 22nd, 2025 - Continued

Application File No.: B14-25 No. of Members Present: 7
Date of Decision: July 22, 2025
Location of Property: Part Lot 7, East Range, Surveyed as Part 1, Plan 31R-2633, Township of Gordon, Municipality of Gordon/Barrie Island, District of Manitoulin

DECISION

The purpose of this application made under Section 53(1) of the Planning Act by Mathieu Gagnon on behalf of Ronald and Joanne Noland is to provide for an easement for a proposed Hydro line having a minimum width of 5.0 M. and a length of ± 137.16 M. thereby containing an area of ± 685.8 Sq. M. (± 0.069 Hec.). This Hydro Easement is to be in favour of an existing ± 13.7 Hec. lot located to the east along Highway No. 542, north of the existing municipal transfer station.

The land to be retained has a frontage of ± 30.5 M. on Highway No. 542, a provincially maintained highway, and an average depth of ± 388.6 M., thereby containing an area of ± 6.06 Hec. The applicants' business for the dumping of 'Septic Tank Effluent' is located within this land.

There have been three previous applications for Consent to Sever, involving Lot 7, East Range.

File No's. 04-51C-79-056 and 04-51C-79-057, approved by the Ministry of Housing in 1979, created two new lots located at the north west corner of Lot 7, surveyed as Parts 1 and 2, Plan 31R-848; and

File No. B47-94, approved by the Manitoulin Planning Board in 1994, created a new lot, the lot subject to this current application, surveyed as Part 1, Plan 31R-2633.

There is a simultaneous Application for Consent to Sever, File No. B13-25, that proposes a Hydro Easement, over land to the west, located at #168 Poplar Road, also in favour of the existing ± 13.7 Hec. lot located to the east along Highway No. 542.

The subject land has been designated Rural Area in the Official Plan for the District of Manitoulin and zoned Rural (RU) by Zoning By-law No. 2022-016 for the Municipality of Gordon/Barrie Island.

Mr. Gagnon, agent for the application, has received recent approval from the Municipality of Gordon/Barrie Island for a site specific Official Plan Amendment, File No. 2022-016OPA-25-00, that permits a dry industry of a waste to energy project in a Rural Area that is not directly related to a farm operation and for a Municipal Zoning By-law Amendment, File No. 2022-016ZBL-25-003 to permit a renewable energy generation plant and advanced recycling, within the existing ± 13.7 Hec. lot located to the east along Highway 542, north of the municipal transfer station.

There is a Hydro line located along Highway No. 542 (to the east) and along Poplar Road (to the west) of the subject land. The proposal is to run a 44 Kilovolts line over the subject land to service the 'waste to energy' facility, as the Hydro service along Highway 542 does not have the required three phase power.

Hydro One was circulated as part of the preliminary review of the application. Hydro One advised via email on May 26th, 2025 that they have no plant (poles) or any issues or concerns with the application at this location.

Access is via an existing entrance, from Highway No. 542, a provincially maintained highway. There does not appear to be a civic address number posted at this location.

The Ontario Ministry of Transportation (MTO) was circulated for comments as part of the preliminary review. C. Cole advised via email on July 3rd, 2025 that:

' I can confirm that the proposed hydro easements are outside our Permit Control Area (PCA); therefore, we have no comments to provide.

Regarding the Advanced Recycling Facility that we provided comments on earlier this year. I expect that these hydro easements are related to this project. Please note that MTO has not approved this project. No grading, construction, or new entrances can be established until MTO permits have been acquired. As per the attached comments, MTO must receive a revised site plan for our review/approval. Following that, MTO will provide more fulsome comments and submission of additional technical studies will likely be required.'

Board Minutes

July 22nd, 2025 - Continued

Application File No. B14-25 - continued
July 22, 2025

There are no new sewer or water services required as a result of the application for the Hydro easement.

There is an *unevaluated* wetland identified within a small portion of the property, at the south east corner of the subject land. The hydro easement, as proposed, appears to cross the wetland.

From information available to the Planning Board from provincial databases, there is no data available that would indicate whether the wetland is a provincially significant wetland.

The Provincial Planning Statement (PPS) 2024) has policies for Provincially significant wetlands but not for *unevaluated* wetlands. This proposal is considered to be in conformity with the Provincial Planning Statement (PPS) 2024.

The Official Plan under Section D.4.2-3 *Unevaluated Wetlands* states:

' Development and site alteration will not be permitted within a UW [Unevaluated Wetland]. Development or site alteration may be permitted on land adjacent to a UW, provided the ecological function of the adjacent land has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological and/or hydrologic functions that cannot be adequately mitigated. For the purposes of this policy, the extent of adjacent land will be defined as 120 metres. An Environmental Impact Study (EIS) may be required for all development proposals within 120 metres or abutting areas identified as being a UW. Prior to considering development or site alteration, the Planning Board, in consultation with the Province, will be satisfied that an EIS demonstrates that there will be no negative impacts on the UW and the sustaining ecological and/or hydrologic functions.'

The Official Plan under Section D.7.2-10 – *Environmental Impact Studies* states:

'In circumstances where there is a low likelihood of impact on the natural environment, and intervening development between the land subject to the planning or building permit applications and the feature triggering the EIS requirement, the Planning Board, in consultation with the Province, may waive the requirement for the EIS.'

Technical advice was sought from the Ministry of Natural Resources (MNR) on April 15th, 2025 in order to determine if the proposed hydro line would have an impact on the *unevaluated* wetland, and if the impact could be considered minor enough to waive the requirement for an EIS in consultation with the Province. Technical advice was received from the MNR on May 22nd, 2025, including information from the Natural Heritage Reference Manual.

The Natural Heritage Reference manual states in part:

' For a wetland that is unevaluated but has characteristics or contains components that are typical of a significant wetland (e.g. significant species or functions), the planning authority should ensure that a wetland evaluation is undertaken'.

The manual recognizes that Planning authorities may choose to apply policy protection to wetlands that are not significant – in these cases it is the Planning Board's responsibility to determine if the proposal is consistent with the Official Plan and/or if impacts are minor enough to waive the EIS requirement. MNR advised that they had no record of other natural heritage values in the area; the Ministry of Environment, Conservation and Parks (MECP) advised there is a Blandings' Turtle observation 3 km downstream from the wetland.

M. Gagnon, agent for the application, advised that there are no hydro poles proposed to be located within the identified wet area and provided a letter and photos, which were provided to the Planning Board Members, as follows:

' Thank you for the insightful discussion earlier today regarding the Manitoulin Planning Board's interpretation under the Official Plan (OP) as it pertains to the potential requirement for an Environmental Impact Study (EIS) for the proposed power line.

Based on the information currently available, WEST will proceed with an EIS in support of the proposed WEST facility, as part of its application for both a building permit and Environmental Compliance Approval (ECA) under the Ministry of the Environment, Conservation and Parks (MECP).

Regarding the proposed right-of-way corridor for the power line along the southern boundary of the property, the alignment will follow the existing fence line (illustrated in Figure 1. Of his email) This fence—constructed of wooden posts and support framing—currently runs through an unevaluated wetland and ditch.

It is important to note that WEST's scope of work does not involve equipment traversing the spring runoff ditch. Instead, installation activities will access the nearest pole from either side, thereby limiting disturbance to foot traffic only. This level of impact is consistent with the existing agricultural operations adjacent to the project area, such as livestock movements across the same landscape.'

Board Minutes
July 22nd, 2025 - Continued

Application File No. B14-25 - continued
July 22, 2025

Letter from M. Gagnon - Continued

' To mitigate environmental disruption further, WEST will formally commit to avoiding the installation of any poles within the spring ditch. The proposed line will span approximately 300 feet (150 feet from the centerline on either side), effectively eliminating direct impact to the ditch area.

For additional context and support, I am referencing portions of the summary and recommendations outlined in the Species at Risk study conducted by Pinchin in Spring 2025, dated June 16, 2025.

"The surrounding area is predominantly agricultural and light industrial, and the Site is located within an unevaluated wetland polygon. No confirmed Species at Risk or significant natural heritage features were observed on-Site during the assessment.

With the above Species at Risk screening and habitat analysis, the proposed development is considered appropriate for the Site. No regulated Species at Risk habitat or significant natural features appear to be present that would require further assessment under the Endangered Species Act or the Provincial Policy Statement. As such, no additional environmental studies are recommended at this time provided that standard best management practices are followed during site preparation and development activities."

For additional context, Figures 2, 3, and 4 (submitted with his email) depict the base of the existing ditch, which contained approximately 1 to 3 inches of water over exposed bedrock at the time the photographs were taken.

Please do not hesitate to contact me should any additional information or clarification be required. Thank you for your time and consideration on this project.'

The application was circulated on July 4th, 2025 to the Municipality of Gordon/Barrie Island, 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 Municipality did not advise of any concerns and recommends approval be given with no specific conditions.

Bell Canada advised that they have no comments and will not be requesting an easement for the proposed consent to sever.

The Ontario Ministry of Transportation advised that they have reviewed the application and confirm that the subject land is not located within the MTO's permit control area (PCA); therefore they have no comments to provide at this time.

There was a letter of concerns received from an abutting land owner to the north, D. Burt, received on July 16th, 2025 as follows:

' Dear Theresa Carlisle,

- 1. We are 100% against an easement for a Hydro Line to a proposed Waste to Energy project. Information from the news tells us Canada needs to build a large solar panel and or wind power project because when electric powered vehicles come on the market there will be a shortage of power to charge all the batteries. If the Government and Hydro did this on Crown Land between Toronto and Sudbury where a location that would not very much effect the average Canadian Citizen we would be very much in favour of it. Not including any thing to do farming area or nuclear energy that produce so much cancer causing polution.*
- 2. We want in writing the Co. name not an abreiveachion and address and phone no of WEST. Why hold back the Company Name; is it reliable? If this project looks good, why don't Mr. Gagnon develop in on his or his fathers property?'*

Board Minutes

July 22nd, 2025 - Continued

Application File No. B14-25 - continued
July 22, 2025

Letter from D. Burt - Continued

- '3. Will this proposed project cause a lot of heat and air pollution? Can all WEST guarantee it is safe?
4. Something else to think about, after this project gets operating, rather than fresh air from the Country blowing into Gore Bay with our prevailing south winds we might get hotter air laced with chemicals, smoke and dust. I have ate fish and water cress from the stream that runs into Lake Wolsley from this area. From its banks we picked morrells, mushrooms, fiddle head ferns and rassberries for the past eighty years. Fed by some springs this creek has always had clear, clear fresh water. A better site for this project might be between Little Current and Espanola to save transportation. The Ammish and Minninite farmers are buying up most farms now and they can't make big silage bales to wrape with plastic. No horse powered machinery to do. We hope this new proposed hydro line and the recycling project will not be approved so the residents in this area will not be worried about their health and land values going down.'

Mr. Burt's letter was forwarded to M. Gagnon, agent for the application and he provided the following response:

' Dear Manitoulin Planning Board,

Thank you for your recent letter. WEST appreciates the opportunity to respond to Mr. Don Burt's correspondence.

At this time, WEST will refrain from commenting on the opinions and personal views expressed, and will instead focus solely on addressing the specific concerns outlined in the letter regarding the proposed private utility line. We remain committed to constructive dialogue and welcome any follow-up as needed.

Concerns raised:

1) Location of the project in reference to traditional renewable energy and nuclear power. The use of farmland for energy generation projects.

- a. The project site was selected due to its legacy waste collection area; this location is essential for effective site operations.
- b. Existing Hydro One infrastructure along Hwy 542 is single phase. WEST requires three-phase power to operate equipment and generate renewable energy. Noting the optimal circuit being located on Poplar Rd. from the Gore Bay Hydro One distribution station.
- c. Renewable natural gas (RNG), which the project will produce, is a clean energy source and is not classified as a fossil fuel.
- d. The private power line will not interfere with the existing land use of adjacent properties hosting the utility route. '
- e. The three parcels receiving approximately 13–15 hydro poles are not designated as farmland and will remain unaffected in terms of agricultural use.

2) Company name in writing?

- a. Waste Energy Solutions and Technologies Inc. operating as WEST
- b. Website: www.wasteenergy.ca
- c. Phone 705-214-9651 ext. 1001

Why can WEST develop the project on the Gagnon residents?

- d. The Gagnon Residence does not currently have access to three-phase power. The nearest Hydro One 44 kV circuit is located on Poplar Road and connects to the Gore Bay substation.
- e. Had the necessary services been available, and the land use aligned with best practices, the Gagnon Residence would have fully supported the project. The proposed location, situated adjacent to the legacy landfill sites and the existing transfer station, and in close proximity to a suitable Hydro One circuit, represents the most practical and strategic option for development. '

Board Minutes
July 22nd, 2025 - Continued

Application File No. B14-25 - continued
July 22, 2025

Letter from M. Gagnon - Continued

' 3) Will the proposed project cause a lot of heat and air pollution?

- a. The proposed project will generate heat within the facility during Phase 1 and subsequent phases. By design, the system captures and repurposes waste heat for internal use onsite, contributing to overall energy efficiency.*
- b. The conversion process operates without exhaust or air emissions, and the use of the RNG equipment will be closely monitored to ensure full compliance with Ontario's Air Emission Standards.*

4) Will prevailing winds carry hotter air, chemicals and dust into Gore Bay? Concerns over water quality in the area.

- a. The proposed process will not contribute to an increase in ambient air temperature in Gore Bay. The facility will be equipped with a Continuous Emissions Monitoring System (CEMS) to ensure adherence to applicable air quality standards.*
- b. WEST utilizes a non-combustion based process operating at elevated temperatures, wherein chemical bonds are separated and consumed without generating exhaust.*
- c. This technology significantly reduces environmental risks commonly associated with legacy landfill sites, including impacts on water and soil quality, odours from the existing transfer station, and the dispersion of waste onto adjacent agricultural lands or along the provincial highway.*
- d. WEST's operations are designed to centralize environmental concerns within a controlled facility, purpose-built to effectively isolate potential risks and manage them in accordance with industry best practices.*
- e. The current transfer station lacks proper infrastructure to effectively manage or prevent leachate from staging bins, potentially impacting groundwater quality in the surrounding area.*
- f. The Municipality of Gordon/Barrie Island continues to work with the Ministry of the Environment, Conservation and Parks (MECP) to monitor groundwater conditions associated with legacy landfill sites on the adjacent property.*
- g. The proposed project represents a more sustainable alternative, offering improved environmental safeguards and helping the Municipality reduce long-term ecological risks.*

5) The use of agricultural wrap in traditional farming, Amish and Mennonite farms.

- a. Bale or silage wrap offers farmers a host of practical and economic benefits, especially when preserving forage for livestock. Here's a breakdown of the key advantages:*
 - i) Maintains feed quality by creating an airtight seal that promotes anaerobic fermentation*
 - ii. Retains up to 90% of original nutrients, ensuring high-energy and protein-rich forage*
 - iii. Improves palatability, leading to better livestock intake and performance*
 - iv. Reduces spoilage rates by up to 30%, saving feed and money*
 - v. Having a local solution to agriculture wrap once exhausted allows all farmers to access a safe and local disposal option to preserve their land and associated waste.*
- WEST is pleased to support our farming community.*

WEST remains deeply committed to environmental stewardship, offering a climate-positive solution to waste management that focuses on value recovery, local impact, and reduced reliance on land filling.

Through innovation and collaboration, WEST is proudly working to establish Manitoulin Island as a global leader in sustainability, aiming to make it the greenest island in the world.'

Mr. Gagnon's response letter was mailed to D. Burt at the address he provided.

There were no other inquiries or concerns received as a result of circulation to property owners within 60 metres and/or the posting of notices.

*Board Minutes
July 22nd, 2025 - Continued*

*Application File No. B14-25 - continued
July 22, 2025*

The Secretary-Treasurer reported that with the information available, it would appear that there are no features present that would indicate that the wetland has provincial significance and that the proposal may have no impact on the wetland identified within the southeast corner of the subject land and the Board may wish to consider if the EIS should be waived or not.

During discussion and in consideration of the information provided, including aerial photography (2021), the general consensus of the Board was that an EIS could be waived as the wetland is mainly on the neighbouring lot to the east and the hydro poles could be placed to avoid the wet area.

M. Gagnon, agent for the application, and R. Gagnon, interested party, were in attendance during consideration of the application.

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 hydro easement given conditional approval. This Schedule must also contain the names of the parties indicated 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 hydro easement having a minimum width of 5.0 metres, to which the consent approval relates;
- ii) a fee of \$150.00 for each Transfer of Land submitted for Certification; and
- iii) 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: Board member, D. Osborne, declared a Conflict of interest with this application.

Board Minutes

July 22nd, 2025 - Continued

Application File No.: B15-25 No. of Members Present: 7
Date of Decision: July 22, 2025
Location of Property: Part Lots 14 and 15, Conc. I, Being Part 2, Plan 31R-0594 excepting Part 1, Plan 31R-3141, and including Part 1, Plan 31R-3870, Township of Sheguiandah, Municipality of Assiginack, District of Manitoulin

DECISION

The purpose of this application made under Section 53(1) of the Planning Act by Dene Banger and Frances (Boegli) Banger is to provide for the creation of a new lot having a frontage of ± 366.3 M. on Bidwell Road, a maintained township road, and an average depth of ± 61.4 M. thereby containing an area of ± 2.9 Hec. The proposed new lot is surveyed as Part 1, Plan 31R-3870. According to the application there are no structures on this land.

The land to be retained has frontages of ± 508.5 M. on Bidwell Road, a maintained township road, ± 44.5 M. on the non-maintained/unopened 15th side road allowance, and ± 526.3 M. on the non-maintained/unopened 1st concession road allowance, and an average depth of ± 83.6 M., thereby containing an area of ± 4.8 Hec. According to the application, this land contains the applicants' dwelling, garage, chicken coop, a wood shed, an enclosed garden, and two old sheds.

From information available it appears that the two old sheds, identified as structures 'D' and 'E' on the application sketch, may encroach onto the 1st concession allowance. Mr. Banger was advised that they may need to be moved onto their property.

There have been four (4) previous applications for Consent to Sever involving the subject land.

File No. B48-06 created a new lot surveyed as Part 1, Plan 31R-3141, which was a resubmission of File No. B41-01 which lapsed when conditions of consent approval were not fulfilled within one year as required under the Planning Act.

File No. B42-11 proposed the creation of a new lot which also lapsed when conditions of consent approval were not fulfilled within one year as required under the Planning Act.

File No. B12-22 proposed the creation of a new lot, surveyed as Part 1, Plan 31R-3870, which was a resubmission of File No. B42-11. This file was refused by the Manitoulin Planning Board due to the close proximity to the licenced Aggregate Site, No. 616921, within Lots 1 & 2, Conc. A, (to the west) and was subject to an appeal to the Ontario Land Tribunal.

The Aggregate License has been rescinded/surrendered and approved by the Ontario Ministry of Natural Resources by letter dated November 6th, 2024. The land was subject to an Official Plan Amendment Application, File No. 2024OPA-25-001, that redesignated the land from Aggregate Resources Area to Rural Area and a Municipal By-law Amendment Application, File No. 2024-10ZBL-25-001, that rezoned the land from Pit & Quarry (Q) Zone to Rural (R) Zone. This allows for a new residential use in proximity to Lots 1 & 2, Conc. A.

The application was circulated on May 23rd, 2025 to the Wiikwemkoong Unceded Territory and to the United Chiefs and Councils of Mnidoo Mnising (UCCMM), 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.

The subject land has been designated Rural Area in the Official Plan for the District of Manitoulin and zoned Rural by Municipal Zoning By-law No. 2024-10.

Official Plan (2018) - Rural Area - under 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.

Services consist of a private individual septic system and municipal water for their cistern located inside the dwelling. The same services are proposed for the severed land.

Board Minutes

July 22nd, 2025 - Continued

Application File No. B15-25 - continued

July 22, 2025

The Public Health Sudbury and District had advised previously (File No. B42-11) that they have no concerns and that the severed and retained portions would appear to be capable of supporting the installation of a septic tank and tile bed system.

There is a Hydro Line identified along Bidwell Road and Hydro One was circulated for comments as part of the preliminary review of the application. No comments or concerns have been received from Hydro One.

Access is via existing entrances, #525 and #653 Bidwell Road, a maintained township road.

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 conform to the Policies of the Provincial Planning Statement (PPS) 2024.

The application was circulated on July 7th, 2025 to the Municipality of Assiginack, 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 Municipality provided the following resolution, No. 151-07-2025:

' BE IT RESOLVED THAT Council has no objections to Consent to Sever File no. B15-25, at 525 and 653 Bidwell Road, owned by the Bangers and the Planning Board be so told: AND THAT should a survey determine that there are setbacks in keeping with our zoning by-law, a site specific zoning amendment may be required.'

Bell Canada advised that they have no easement requirements with respect to the proposed consent to sever application.

MTO advised via email on June 2nd, 2025 that:

' The Ministry of Transportation (MTO) has reviewed the attached application for 525 Bidwell Road. We have determined that the subject lands are not located within the MTO's permit control area; therefore, we have no comments to provide at this time.'

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

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

Discussion was had regarding the possible encroachments of the two sheds on the municipal road allowance and if a new survey or the existing survey could determine their location. The municipality may call for an amendment or an encroachment agreement if the structures encroach; this would be a municipal decision. The consensus of the Board was that confirmation of the location of the structures should be a condition of the approval as per the Township comments.

In consideration of the information presented, including the surrender of the Aggregate Licence within 300 metres of the subject land, the Board supported 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.

*Board Minutes
July 22nd, 2025 - Continued*

*Application File No. B15-25 - continued
July 22, 2025*

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 survey identifying the location of the existing buildings/structures within the proposed retained land, confirming the setbacks are in keeping with the municipal zoning by-law, satisfactory to the municipality;
- iii) a fee of \$150.00 for each Transfer of Land submitted for Certification; and
- iv) 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.

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. B11-25	R. Stephens	D. Osborne
2. B12-25	B. Barker	D. McDowell
3. B13-25	K. Noland	B. Barker
4. B14-25	B. Barker	R. Stephens
5. B15-25	D. McDowell	J. DeForge

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

Board Member, D. Osborne declared a Conflict of Interest for Consent to Sever File No's. B13-25 and B14-25.

The time now being 8:20 p.m. and all business before the Board having been dealt with, the Meeting was adjourned on a motion moved by K. Noland and seconded by D. McDowell,
- Carried Unanimously.

L. HAYDEN, CHAIR

Theresa A. Carlisle
T.A. CARLISLE
SECRETARY-TREASURER