



MANITOULIN PLANNING BOARD

40 WATER STREET - UNIT 1 - P.O. BOX 240 - GORE BAY - ONTARIO - P0P 1H0

☎ 705-282-2237 ☎ 705-282-3142

June 25, 2025

MINUTES OF PLANNING BOARD MEETING - June 24th, 2025

At a Meeting of the Manitoulin Planning Board held at the Planning Board Office, Gore Bay, Ontario, on Tuesday, June 24th, 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:

D. and J. Daniel - Amendment Application File No. 2022-05ZBL-25-003

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

The meeting was called to order at 7:23 p.m., after the Public Meeting, 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 March 25th, 2025.

There were no conflicts declared.

1. ORDER OF BUSINESS

The Chair requested the addition of an item - Staff Work Logs - to be added at the end of Agenda as item No. 13.

There were no concerns by the Board Members, with this change.

The following motion resulted:

MOTION

It was moved by D. Osborne and seconded by J. DeForge that the Order of Business be adopted as amended, with the addition of item No. 13. Staff Work Logs,
- Carried unanimously.

2. MINUTES OF PREVIOUS BOARD MEETING - March 25th, 2025

The Chair announced that the Minutes of the Board Meeting held on March 25th, 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 B. Barker that the Minutes be adopted,
- Carried.

BUSINESS ARISING FROM MINUTES OF THE PREVIOUS BOARD MEETING - March 25th, 2025

There was none.

3. VARIABLE EXPENDITURES

R. Stephens, Board Member asked what the office insurance cost was for the past year.

The Secretary-Treasurer advised that she would need to look that information up for the exact difference, but felt it was only an increase of about \$25.00.

MOTION

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

*Board Minutes
June 24th, 2025 - Continued*

4. APPLICATION FOR AMENDMENT TO ZONING BY-LAW NO. 2022-05

File No.: 2022-05ZBL-25-003
Applicants: D. and J. Daniel
Location: Lot 11 Concession VII
Except Part 9 Plan 31R-184 (Highway Plan No. P-2303-0010)
(Located at #24399 Highway 540)
Township of Dawson, District of Manitoulin

Chair L. Hayden had opened the Public Meeting at 7:00 p.m., prior to the regular meeting of Planning Board.

The required Public Meeting was held by the Manitoulin Planning Board on Tuesday, June 24th, 2025 to consider an amendment application to permit one (1) existing portable storage container with attached lean-to, and six (6) existing sheds and the existing remains of a barn, which are in the front yard (in front of the existing dwelling), placed on the property without permit(s), to be allowed to remain as located within the property.

The Secretary-Treasurer presented the Application.

On August 21st, 2024, during a site visit to the Loon Lake area in Dawson Township by staff member J. Diebolt, he observed a Portable Storage Container (PSC) on the property visible from Loon Lake Road.

On October 21st, 2024, the landowners were advised by letter that the PSC was not a permitted use under Zoning By-law 2022-05, and that the container would need to be removed or an amendment would need to be approved by the Manitoulin Planning Board. The applicants visited the office on November 18th, 2024 to discuss the contravention. They were advised that the Board has permitted the containers as a temporary use for up to three (3) years rather than permanently, and that if the amendment application was refused the container would have to be removed from the property to conform to the Zoning By-law.

On January 27th, 2025, the applicants were advised that due to the property having frontage on a lake or navigable waterway, the front lot line is considered to be the lake side of the property, and that the structures would be considered to be in the front yard (in front of the dwelling) and would require an amendment in order to be permitted.

The Official Plan designation is Rural Area. Section C.5.1.3 supports limited residential development in the form of single detached dwellings without an amendment to the Official Plan. The land subject to this proposal will remain designated as being within a Rural Area and all Official Plan Policies applicable thereto will continue to apply.

The property is within a Rural (R) Zone. There are no zoning changes proposed. A single detached dwelling is a permitted use in the Rural Zone. However, the placement of a PSC is not a permitted use in the Rural Zone, and accessory structures are not permitted in the front yard of the principal building (i.e. the dwelling).

Zoning By-law No. 2022-05 for the Township of Dawson states:

'LOT LINE, FRONT shall mean the lot line that divides the lot from the street, but: in the case of a lot with frontage on a navigable stream, river or lake, or marine road allowance the front lot line shall be either the line of the established high water mark of such stream, river or lake, or the line of the inner limit of the original marine road allowance along the shore of such stream, river or lake.'

'4.1 Accessory Uses:

d) Unless otherwise noted in the following table, the accessory structure shall have the same setbacks as the principal building.'

'4.1.6 Portable Storage Containers

1. Portable storage containers are only permitted in the General Industrial (M) Zone for storage purposes, only as an accessory use on a lot that has an established primary use
2. Portable storage containers shall conform to the following provisions:

- a) Such containers shall be maintained in an orderly appearance, i.e. not rusted;*
- b) Such containers shall be subject to the zone provisions of the primary use;*
- c) Such container shall not be located in any required parking space;*
- d) Portable storage containers shall be included in lot coverage calculations.'*

Board Minutes
June 24th, 2025 - Continued

Amendment File No.: 2022-05ZBL-25-003 - Continued

By land transfer MD11531, the property was obtained by the Applicants on July 30th, 2015.

In 1995, Zoning Conformity Permit No. LC03/95 was issued permitting the reconstruction of a dwelling destroyed by fire. The barn was shown on the application sketch, but no other structures were identified on that application (1995).

In 2009, by Consent to Sever, File No. B18-09, approved by the Manitoulin Planning Board (MPB) a new lot was created being Lot 12, Conc. VII and retained the subject land, being Lot 11, Conc. VII. The Decision of MPB noted that the retained land contained a dwelling and farm outbuildings.

According to the information provided by the applicants, there is a single detached dwelling built about 1995, six (6) sheds and the remains of the old barn built prior to their purchase in 2015, a PSC placed on the property in 2017, and a lean-to attached to the PSC in 2020.

Aerial photos from 1973 show the existing dwelling and barn. From street view imagery available, from August 2009, at least five of the six sheds were present. From aerial photos available in 2016 the six sheds were present on the property.

The subject +/-28.6 Hec. parcel of land consists of Lot 11 Concession VII, excepting Part 9, Plan 31R-184 (Highway Plan No. P2303-0010), having a frontage of +/-405.16 M. along Highway 540, a provincially maintained highway, a frontage of +/-494 M. on the unopened, non-maintained 10th Side Road allowance, and a frontage of +/-620 M. on Loon Lake. The parcel has an average depth of +/-597 M.

Access is via an existing entrance, #24399 Highway No. 540. The Ontario Ministry of Transportation (MTO) issued an entrance permit, No. EN-2024-54S-000000070, on November 30th, 2024, received on January 15th 2025.

Mr. Cole, MTO, advised via email on January 7th, 2025:

' I have reviewed the attached zoning amendment and can confirm that the subject lot 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 and will require proper MTO permits.

-The storage container is located outside the MTO's PCA; therefore, we have no comments to provide

-An MTO residential entrance permit will be required in order to formalize access to the subject lot.

-Please include proof of property ownership so that the permit can be issued in the correct name

-Placement of any buildings or structures within 45 meters of the Hwy 540 right-of-way will require an MTO building/land use permit.

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

All permit applications can be made online. Questions regarding permitting or setbacks can be directed to Michelle Lavallee, Corridor Management Officer at michelle.lavallee@ontario.ca

If there are any other questions or concerns, don't hesitate to contact me.'

On January 28th, 2025 an updated amendment application was circulated to MTO, advising that the accessory structures on the property were in the front yard of the dwelling and that the PSC had an attached lean-to. In response, Mr. Cole advised via email on January 30th, 2025:

' I can confirm that the MTO has no additional comments to provide in regards to these changes. The comments provided on January 7, 2025 will remain in effect (attached).

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

The application was circulated to the Wiikwemkoong Unceded Territory and the United Chiefs and Councils of Mnidoo Mnising (UCCMM), as per Official Plan Policy F.5 - Consultation and Engagement. No comments or concerns have been received or additional time requested to do so.

Board Minutes
June 24th, 2025 - Continued

Amendment File No.: 2022-05ZBL-25-003 - Continued

Susan Feindell, Secretary-Treasurer for the Dawson Local Roads Board, advised via email on March 3rd, 2025:

'The Dawson Local Roads Board has considered the proposed amendment Lot 11 Concession V11 24399 Highway 540. The Board understands that acceptance of the proposal will not increase the assessed value of the property and will therefore not incur any costs to the other ratepayers. As a result we have no reservations to the amendment as proposed.'

The Secretary-Treasurer provided clarification to Ms. Feindell that if the Municipal Property Assessment Corporation (MPAC) should assess the property with the proposed change, there may be an increase to the assessment for the property. This should not affect any other landowners.

From information available to date, MPAC has acknowledged only the existing dwelling built in 1995.

Bell Canada did not advise of any concerns.

According to the application, servicing consists of an existing private well and existing private individual septic system.

There are Hydro lines identified along Highway No. 540. The application was circulated to Hydro One on December 19th, 2024. Stephen Salt, Hydro One, advised via email on December 31st, 2024 that Hydro One has no concerns with this application.

Fire Protection is not available in the Township of Dawson.

School Bussing is available.

There is no garbage pick-up in Dawson Township. However, there is a transfer station that is open weekly.

The application was screened for Natural Heritage Features, Species at Risk, and Potential Wildland Fire hazards. From information available, there does not appear to be any Natural Heritage Features or Species At Risk concerns, and Wildland Fire Hazard is considered to be Moderate and requires no mitigation.

Chapter 1 of the Provincial Planning Statement (PPS) 2024 requires land use decisions made by planning boards to be consistent with the PPS 2024. Section 2.7 - Territory without Municipal Organization states in part:

'1. On rural lands located in territory without municipal organization, the focus of development activity shall be related to the sustainable management or use of resources and resource based recreational uses (including recreational dwellings not intended as permanent residences).

2. Development shall be appropriate to the infrastructure which is planned or available, and avoid the need for the unjustified and/or uneconomical expansion of this infrastructure.'

The proposal is considered to be consistent with the PPS 2024.

Notice of Public Meeting was given to the Dawson Local Roads Board (DLRB), the Rainbow District School Board, Ontario Power Generation, Metis Nation of Ontario, Bell Canada, the Ontario Ministry of Transportation, and all property owners within 120 metres as prescribed by Ontario Regulation 545/06.

On May 28th, 2025, landowner of Lot 12 Concession VIII, P. Conlon, called the MPB Office requesting further information. He noted that he was required to move one of his accessory structures that had been located in the front yard. No written concerns were received.

There have been no other comments received as a result of the circulation or the posting of the Notice.

The applicants have submitted an application for Zoning Conformity Permit which is pending the decision of Planning Board on the Amendment Application, to permit one (1) existing portable storage container with attached lean-to, and six (6) existing sheds and the existing remains of a barn, which are in the front yard (in front of the existing dwelling), which were placed on the property without permit, to be permitted to remain as located within the property.

Discussion among the Board included:

- if the location of the PSC is where the barn used to be; have the buildings existed prior to their purchase in 2015; what was the zoning of the property prior to Zoning By-law No. 2022-05- was it zoned Agriculture - if so the uses may conform; is the front yard the water or the Highway; what are the structures being used for; the Dawson Local Roads Board do not have any issues; MPAC has not assessed other PSCs; MPAC may not assess the PSC or the sheds as they are small; is a LofC permit required for a PSC; support temporary use or permanent use of the PSC.

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Amendment File No.: 2022-05ZBL-25-003 - Continued

Mr. and Mrs. Daniel spoke to their application and advised that:

- yes the PSC is located where the old barn was; the PSC and lean-to were put on the property by them; the PSC and the existing sheds are all used related to their Farm License; they have submitted a Zoning Conformity Permit (LoFC);

The Secretary-Treasurer noted that approval had been given by the Manitoulin Planning Board in 2019 for an amendment application in Dawson Township, which allows two portable storage containers on a lot and to date MPAC has not assessed the PSCs.

She explained that:

- The previous Zoning By-law No. 96-01 had the property in an Agriculture Zone; the new Zoning By-law, No. 2022-05, has put the property in a Rural Zone; Zoning By-law No. 2022-05 defines the front yard for the property as being the water side; accessory structures are not permitted in the front yard/in front of the dwelling; from information available to date, the Municipal Property Assessment Corporation (MPAC) has acknowledged only the existing dwelling built in 1995; and PSC containers are only permitted in the General Industrial Zone.

Boar Member, D. Osborne, stated that the Board should/could treat the PSC as a structure as defined in the Zoning By-law.

The general consensus of the Board was to support the application as proposed.

Chair, L. Hayden asked the Secretary-Treasurer to read a draft By-law for their consideration.

The Secretary-Treasurer then read the following By-law:

MANITOULIN PLANNING BOARD
BY-LAW NO. 2025-003

Being a By-law of the Manitoulin Planning Board to amend Zoning By-law No. 2022-05 the comprehensive Zoning By-law for the Townships of Robinson and Dawson.

Whereas the Manitoulin Planning Board has been granted the authority by Ontario Regulation 159/96 deeming Ontario Regulation 672/81, a Minister's Zoning Order, to be and to always have been a By-law of the Manitoulin Planning Board under Section 34 of the Planning Act.

And Whereas the Manitoulin Planning Board has ensured that adequate information has been made available to the public and has held at least one (1) public meeting after due notice for the purpose of informing the public of this By-law.

And Whereas the Manitoulin Planning Board deems it desirable to amend Zoning By-law No. 2022-05, as amended.

Now Therefore, the Manitoulin Planning Board enacts the following:

- (1) Section 14.0 - Rural (R) Zone - is hereby amended to add the following Sub Section **R-29**:

Despite requirements of the Zoning By-law No. 2022-05 under Sections 14.0 Rural (R) Zone and Section 4.1.6 - portable storage containers and Section 4.1 Accessory Uses, permits one existing portable storage container (±2.5 M. X ±12.0 M.), with attached lean-to (±8.0 M. X 12.0 M.), and six (6) existing sheds and the remains of an existing barn, located in the front yard (in front of the existing dwelling), and conforming to the provisions of the Zoning By-law, to be permitted to remain as located and identified on the attached Schedule 'A' to this By-law within land described under Subsection (2);

- (2) Subsection (1) applies to that parcel of land described as Lot 11, Conc. VII, excepting Part 9, Plan 31R-184 (Highway Plan P-2303-0010), in the geographic Township of Dawson, in the District of Manitoulin, as registered in the Land Registry Office for the Registry Division of Manitoulin (31).
- (3) All other permitted uses and provisions of Zoning By-law No. 2022-05 which apply to the Rural (R) Zone, shall continue to apply to the lands as described previously under Subsection (2) of this By-law.
- (4) That it is hereby certified that this amending By-law is in conformity with the Official Plan for the District of Manitoulin.
- (5) Schedule "A" hereto attached shall be considered to be part of this By-law.
- (6) This By-law shall come into force and take effect on the date of its final reading subject to the expiration of the 20 day appeal period, provided in Section 34(19) of the Planning Act and subject to the approval of the Ontario Land Tribunal (OLT) where objections to this by-law are filed with the Secretary-Treasurer of the Manitoulin Planning Board.

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June 24th, 2025 - Continued

Amendment File No.: 2022-05ZBL-25-003 - Continued

The following motion resulted:

MOTION

It was moved by D. Osborne and seconded by J. DeForge that By-law No. 2025-003 be approved, as read,
- Carried.

5. 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.

6. REQUEST FOR A CHANGE TO CONDITIONS

Ref: Consent to Sever File No's. B22-24, B23-24 and B24-24 - Township of Campbell

The Secretary-Treasurer advised that the Planning Act, in accordance with Section 53 (23), allows for a 'change of conditions' to a provisional consent to sever application.

The agent for the application, D. Earl, has requested a change to condition vii) from:

' a copy of an approved amendment to the Municipal Zoning By-law for the Municipality of Central Manitoulin, which will under Special Provisions, provide for the minimum lot dimensions and area to be established in accordance with the Part Numbers shown on the registered/deposited plan of survey, despite any other requirements set out in the Municipal Zoning By-law;'

To

' a copy of written confirmation from the applicant, acknowledging that further lot creation for the severed and retained land shall be considered via Plan of Subdivision or Condominium .'

The Secretary-Treasurer had recommended the requested change be amended to:

' a copy of a written confirmation/signed affidavit from the applicant, acknowledging that further lot creation for the severed and retained land shall be considered via a Plan of Subdivision or via a Plan of Condominium and that further development will not be considered via the Consent to Sever process.'

Mr. Earl advised by email on June 24th, 2025 that he was agreeable to the recommended change.

Discussion among the Board Members was that the requested change was a minor change. However, in consideration of the application and in this circumstance, they preferred the original condition and felt that it was appropriate.

The following Motion of the Board resulted:

MOTION

It was moved by B. Barker and seconded by K. Noland that the Manitoulin Planning Board accepts the requested change to condition vii) as amended, for Consent to Sever File No's. B22-24 to B24-24,
- defeated.

The Motion was defeated. Therefore, the original condition vii) will remain in effect.

7. REQUEST TO DEEM A PLAN OF SUBDIVISION NOT TO HAVE LAPSED

- File No. SUB2022-001 - Barrie Island, Municipality of Gordon/Barrie Island

Attached to the Board Agenda was a copy of Section 31. of the Planning Act regarding a Plan of Subdivision *'deemed not to have lapsed'*.

Chair, Hayden explained that the Subdivision Application, File No. SUB2022-0001, had lapsed as of March 22nd, 2025. The applicants through their lawyer, had requested a motion of support from the Municipality of Gordon/Barrie to deem the Subdivision not to have lapsed, to allow for an extension to fulfill Subdivision Conditions

The Municipal Council had supported the request, but wanted the Subdivision Agreement to be completed in one year.

The Secretary-Treasurer reported that to date, no formal request has been received to the Planning Board Office to deem the Subdivision to *'not to have lapsed'*.

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June 24th, 2025 - Continued

8. ONTARIO MINISTRY OF MUNICIPAL AFFAIRS AND HOUSING (MMAH)

Attached to the Board Agenda was an email received from the Ontario Ministry of Municipal Affairs and Housing (MMAH), in response to a letter written on October 1st, 2024.

Discussion resulted in the following motion:

MOTION

It was moved by D. Osborne and seconded by K. Noland that the Secretary-Treasurer is directed to write a letter to Bill Rosenberg, MPP, advising of the response received from the Ministry of Municipal Affairs and Housing (MMAH) regarding the lack of new Provincial Appointments to the Manitoulin Planning Board and the lack of increased Provincial funding since 2009, and a request if a change could be implemented,
- Carried Unanimously.

The email was tabled as information and is attached as 'Appendix A' to the Meeting Minutes.

9. NATURAL HERITAGE SYSTEM STRATEGY (NHSS)

The Secretary-Treasurer reported that this item had been discussed at the February 25th, 2025 Board Meeting and she is still waiting on clarification from one Municipality and a motion from a 2nd Municipality regarding support or not of the Official Plan Amendment (OPA) for the Natural Heritage System Strategy (NHSS), as amended on November 19th, 2025 by the Ministry of Municipal Affairs and Housing (MMAH). She will be sending the information to MMAH, once received.

10. NORTHERN ONTARIO HERITAGE FUND CORPORATION (NOHFC)

The Secretary-Treasurer reported that the NOHFC has advised that funding details for the youth internship program would possibly be available by 'late June'. Twenty-six (26) applicants have applied. Staff will follow-up and report back.

11. FINE FEE SCHEDULE - LAYING AN INFORMATION

At the February 25th, 2025 Board Meeting, the Board requested additional information and requested that staff member, J. Diebolt, conduct more research regarding putting liens of properties in violation, the AMPS system, and the laying a fine process, costs, timing, etc. under the Provincial Offences Act and report back to the Board.

Mr. Diebolt, presented the following information:

' - From consultation with the Ministry of the Attorney General and Ministry of Municipal Affairs and Housing, Planning Boards are not able to have a schedule of fines or lay fines independently like a Municipality would. We would have to lay a fine under the Provincial Offences Act through 'Laying an Information', following this process:

*-Prepare an Information to be laid, as well as an accompanying Summons for each offence;
-Consult with a prosecutor for Provincial Offences to prepare a case (presenting evidence, charges, etc.)*

-Lay an Information before a Justice of the Peace (JP), detailing the charges; multiple charges can be laid in a single information.

-If the JP feels it is warranted, a summons is authorized for each charge, with a date when the matter will be considered

-The summons must be served on the accused by personally delivering it; leaving it at their place of residence, mailing by registered mail; emailing to an email address they have responded to; or providing it to their representative;

-Provide evidence to and work with the prosecutor to bring the matter to court and secure a conviction. The prosecutor would recommend a fine amount, but the Justice of the Peace

- The Planning Board would be responsible for prosecution costs. MMAH does not have a provincial offences prosecutor for unincorporated areas; we would need to hire one ourselves.

- The municipalities have an agreement in place for a 'shared' prosecutor with the Town of Gore Bay, with Municipalities paying the costs of their own prosecutions at an hourly rate of \$110.00/hr. The cost of the prosecution would vary based on the time used on the case. In my opinion, a bare minimum amount of time for an extremely simple contravention would be 2 hours (1 hour for meeting and case prep, 1 hour for court) (\$220 in prosecution costs), and a more realistic estimate would be 2-4 hours of preparation and 2-4 hours for court (\$440.00 – \$880.00 in fees). A complex case could be much more expensive.

- As per section 67.1 of the Planning Act, any fine payable on a conviction would be paid to the Planning Board.

- Cost recovery available under the Provincial Offences act is very minimal. \$5.00 can be recovered for service of summons, \$6.00 for each witness for each day of attendance, travel expenses for each witness of \$2.50 or 30.5 cents/km if the witness has to travel.'

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24th, 2025 - Continued

Fee Schedule - Laying an Information - Continued

Board directed Mr. Diebolt to find out the difference between a 'fine' and a 'penalty' and report

General consensus of the Board was that the laying of a fine should be/will be implemented, and necessary.

AUDITOR COSTS

February 24th, 2025 Board Meeting the Secretary-Treasurer was directed to further investigate auditor costs and obtain confirmation from five Financial Firms that would take on the audit for the Manitoulin Planning Board and report back to the Board.

advised that, to date, she had received one quote that was comparable to the current cost for 24 audit.

STAFF WORK LOGS

February 25th, 2025 Board Meeting, the Board had directed staff to keep a log of daily tasks view. The work logs were provided for their review.

Session resulted in the following motion:

ON

moved by K. Noland and seconded by R. Stephens that staff are not required to continue their work logs, carried Unanimously.

work logs were tabled as information and will be kept available for further review.

Application File No.: B06-25 No. of Members Present: 7
Date of Decision: June 24, 2025
Location of Property: Lot 26, Conc. VII, excepting McKinlay Road as in By-law No. BU-33, excepting Part 8 and Part 17 on Highway Plan P-2292-4 and excepting Part 1 on Plan 31R-3196, and including Parts 1 to 4 on Plan 31R-4067 and including Parts 1 to 4 on Plan 31R-4071, Township of Burpee, Municipality of Burpee-Mills, District of Manitoulin

DECISION

The applicants, Jeffrey and Tara Bailey preconsulted with the Planning Board at the March 25th, 2025 Board Meeting, due to the designated prime agriculture land and the size of the proposed severed and retained lots. The following motion resulted:

'It was moved by K. Noland and seconded by D. Osborne that in this circumstance the Manitoulin Planning Board supports in principle the application for Consent to Sever as submitted by the applicants to create a new ±26.7 Hec. lot and retain a ±12.7 Hec. parcel of land for Lot 26, Conc. VII, Township of Burpee.'

The purpose of this application made under Section 53(1) of the Planning Act by Mr. and Mrs. Bailey is to provide for the creation of new lot having frontages of ±103.05 M. and ±239.32 M. on Highway No. 540, a provincially maintained Highway, and ±682 M. on McKinlay Road, a maintained municipal road, and an average depth of ±679.4 M., thereby containing an area of ±26.7 Hec. According to the application this new lot is located north of the existing rail fence and there are three sheds located within this land. There is also a Bell Canada leased communication tower on a portion of this land. Farm related uses are proposed to continue.

The land to be retained has a frontage of ±392 M. on Campbell Road, a maintained municipal road, a depth of ±323.0 M., thereby containing an area of ±12.7 Hec. The applicants' hunt camp and sauna are located within this land. Agriculture/Recreational uses are proposed to continue.

A previous Application for Consent to Sever, File No. B64-02, created a new lot within the northerly part of Lot 26, Conc. VII, surveyed as Part 1, Plan 31R-3196. The resulting retained land is the land subject to the current application (File No. B06-25).

The Official Plan designation for the proposed severed land is Prime Agriculture Area and Rural Area for the proposed retained land.

The updated Zoning By-law for the Municipality of Burpee and Mills, No. 2025-03, which was adopted on June 3rd, 2025, has the proposed severed land as Agriculture Zone and the proposed retained land as Rural Zone.

The Municipality provided a copy of building permit No. 1-23600, dated May 11, 2017, for a seasonal dwelling. Zoning By-law No. 2025-03 permits a seasonal dwelling in the Rural Zone.

Servicing consists of a privy and hauled water. 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.

There are Hydro lines along Highway No. 540 and along Campbell Road, as well as a hydro line traversing the property to service the communication tower (Bell Canada).

Hydro One was circulated as part of the preliminary review of the application. Hydro One advised they have no concerns; they have no plant on the property; there are no easements required; and there are no Hydro One owned poles on the property.

Access is via Highway No. 540 for the severed land and via Campbell Road for the retained land.

By by-law No.102, registered as BU33 and dated September 30th, 1891, McKinlay Road was/is established as a Public Highway. McKinlay Road is a municipal road.

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Application File No. B06-25
June 24, 2025 - continued

The Ontario Ministry of Transportation (MTO) was circulated for comments, as part of the preliminary review. MTO advised, via email, on April 17, 2025:

' 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. MTO supports the proposed severance in principle, with the following comments to consider:

Retained Lot:

- All access must remain from McKinley Road.*
- Any future development or change in land use must be subject to MTO review.*

Severed Lot:

- 1. Any new access to the severed lot must come from McKinley Road exclusively.
 - a. No new direct access will be permitted as the lot has access to a public/municipal road.**
- 2. An MTO utility entrance permit will be required for the existing entrance on Hwy 540 to the communications tower located on the severed lot.
 - a. This entrance must be in the landowners name, naming the utility company as the tenant.*
 - b. This permit will come at no charge to either the client or utility company.**
- 3. An MTO Building/Land Use Permit is required for the placement of any new buildings or structures within 45 meters of the Hwy 540 property line or within 180 meters of the centre-point of the intersection of Hwy 540 and McKinley Road.*
- 4. 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/>
If there are any questions or concerns, please don't hesitate to contact me.'*

The MTO comments were provided to the applicants.

There is an unevaluated wetland identified within the proposed severed and proposed retained land. No development or site alteration is proposed within or adjacent to the wetlands, at this time.

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.

There is a drain catchment, known as the Burpee 1. Drain, identified within the property. The applicants were advised that a reassessment under Section 65 of the Drainage Act would apply.

This application was circulated on May 30th, 2025 to the Municipality of Burpee-Mills, Bell Canada, the Ontario Ministry of Transportation, and to all property owners within 60 metres and by the posting of a notice, clearly visible and legible from a public highway or other place to which the public has access, as required by Ontario Regulation 197/96.

The Municipality of Burpee-Mills recommends consent be granted with no specific conditions and noted that Section 65 of the Drainage Act would apply. By Resolution No. 2025-21 the municipality advised:

' That Council has no objection to the pre-consulting of the application for consent to sever lot 26, Conc. VII, Burpee-Township.'

Bell Canada advised they have no comments.

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.

During consideration of the application the question was asked if tile drainage was conducted if this would impact on the wetland. The consensus of the Board was that this should/would be addressed by the Ministry if/when this took place.

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

Board Minutes

June 24th, 2025 - Continued

Application File No. B06-25

June 24, 2025 - continued

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.

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 reassessment required for the subject lands as required by Section 65 of the Drainage Act has been addressed, satisfactory to the municipality;
- iii) a written confirmation from the Ministry of Transportation (MTO) that *an MTO utility entrance permit* for the communication tower and any other permits if required, have been received or issued, satisfactory to MTO;
- 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 for the subject land 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.

Application File No.: B07-25 No. of Members Present: 7
Date of Decision: June 24, 2025
Location of Property: Lot 17, Conc. VII, excepting Part 1, Plan 31R-2481 and Parts 5 and 6, Plan 31R-202 (Highway Plan P-2293-23), Township f Robinson, District of Manitoulin

DECISION

The purpose of this application made under Section 53(1) of the Planning Act by Marc and Laurie Lamothe is to provide for the creation of a new lot having a frontage of ± 69.3 M. on Highway No. 540, a provincially maintained highway, and a depth of ± 100.1 M., thereby containing an area of ± 0.71 Hec. The applicants' dwelling, two solar panels, and three sheds are located within this land. Mr. Lamothe advised that the shed located east of the driveway (identified as structure B on the sketch) is to be removed.

The land to be retained has frontages of ± 237.3 M. and 169.5 M. on Highway No. 540, a provincially maintained highway, an average depth of ± 1000 M., thereby containing an area of ± 38.9 Hec. There is a shed located within the southerly portion of this land. The applicants have been advised that the shed may need to be removed to conform to the policies of Zoning By-law No. 2022-05.

There is an existing lot of record at the north east corner of Lot 17, Conc. VII, surveyed as Part 1, Plan 31R-2481.

There has been a previous application for Consent to Sever, File No. B15-93, that created the subject parcel of land and retained Lot 18, Conc. VII.

There was also an approved amendment application, File No. 51ZO-00493-001, that permits a non-farm related single dwelling in the Agriculture Zone for the subject land.

Soil classifications are Class 1 and 2 with a small area of Class 6 at the south east corner of the subject land. According to the application farm and farm related uses are proposed for the retained land. Mr. Lamothe was advised that an amendment to the Zoning By-law may be required for any residential/non-farm residential uses.

The subject land has been designated Rural Area in the Official Plan for the District of Manitoulin, and zoned Agriculture (A).

Zoning By-law No. 2022-05, Section 13.0 - Agriculture (A) Zone - allows for an Agriculture use including accessory buildings/structures within a lot that is 40 Hec. in area. The resulting retained land would be ± 38.9 Hec.

Section 3.0 - Definitions - states;

' AGRICULTURAL USE shall mean the use of land, buildings or structures for:

- 1. The growing of crops, including cannabis in accordance with federal and provincial regulations and licenses, including all related activities such as soil preparation, manure or fertilizer spreading, planting, spraying, irrigating, harvesting, and also including the storage and sale of crops;*
- 2. The raising, boarding, keeping and sale of all forms of livestock, except domestic pets, including all related activities such as breeding, training, feeding, and grazing, and including the raising of fish and poultry;*
- 3. The production of animal and plant products such as milk, eggs, wool, fur, honey, maple syrup, maple sugar, maple sugar bush, or woodlots including related activities such as the collection, storage, and sale of the products;*
- 4. A commercial greenhouse or nursery garden, including storage and sale of the products; and/or*
- 5. The use and storage of all forms of equipment or machinery needed to accomplish the foregoing activities.'*

Access is via and existing entrance, #20257 Highway 540, a provincially maintained highway.

Services for the seasonal dwelling consist of a private individual septic system and private well. 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.

*Board Minutes
June 24th, 2025 - Continued*

*Application File No. B07-25 - continued
June 24, 2025*

There is a hydro line along Highway No. 540, to the north of the subject land. Hydro One was circulated as part of the preliminary review and S. Salt advised via email on April 10th, 2025 that they have no concerns; that Hydro One has no plant on this property; there is no easement and Hydro One does not require one; and that there are no Hydro One poles within the property.

The Ontario Ministry of Transportation was circulated as part of the preliminary review. C. Cole advised via email on June 19th, 2025 that:

'I can confirm that the subject lot 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 and will require proper MTO permits. MTO supports the proposed severance in principle, with the following comments to consider:

Severed Property:

a.

An MTO Residential Entrance Permit will be required for the existing driveway to 20257 Hwy 540. This permit will come at no cost to the landowner.

No new direct access to Hwy 540 will be permitted.

- 2. An MTO Building/Land Use Permit is required for the placement of any new buildings/structures with 45 meters of the Hwy 540 property line.*
- 3. Any future development or change in land use must be subject to MTO review/approval.*

Retained Property:

- 1. An MTO Agricultural Entrance Permit will be required for the new proposed driveway on Hwy 540.*

No new direct access to Hwy 540 will be permitted at this time.

- 2. An MTO Building/Land Use Permit is required for the placement of any new buildings/structures with 45 meters of the Hwy 540 property line.*
- 3. 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.'

A copy of the MTO comments have been provided to the applicants.

There are no barns within the subject land or within a 750 metre search distance. The farm related structures meet the requirements of the Minimum Distance Separation (MDS) Formulae as required by the Ministry of Agriculture Food and Rural Affairs (OMAFRA).

There is an unevaluated wetland identified at the south west of the subject land, within the proposed retained land. The proposed severed land is ±600 metres north of the wetland.

There is a category 'High' for Wildland Fire Hazard identified within the retained land.

The Provincial Policy 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 the south west portion or extreme south east portion of the retained land may require mitigation. It appears there would be building envelopes outside the area of influence for the retained land that would conform to the Natural Heritage Policies of the Provincial Policy Statement (PPS) 2024.

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

*Board Minutes
June 24th, 2025 - Continued*

*Application File No. B07-25 - continued
June 24, 2025*

This proposal is considered to be in conformity with the Provincial Policy Statement 2024.

The application was circulated on May 30th, 2025 to Bell Canada, the Robinson Local Roads Board (RLRB), 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.

Bell Canada have no concerns and advised via email that they have no comments.

The Robinson Local Roads Board (RLRB) have not advised of any concerns or requested additional time to do so, or returned the consent to sever questionnaire.

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.

The Secretary-Treasurer advised that the Board may wish to consider a condition of Consent that the shed within the retained land, be removed/relocated or if the structure is considered to be farm-related on a lot less than 40 Hec. in size, which would then result in conformity with Zoning By-law No. 2022-05.

Discussion was had and the Board agreed that the small shed, as identified as item I on the application sketch, being 9.0 sq. m. in size could/would be removed. And that any land use changes would need to conform to Zoning By-law No. 2022-05, i.e residential uses in the Agriculture Zone.

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 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 parcel(s) to which the consent to sever approval relates;
- ii) a written confirmation from the Ministry of Transportation (MTO) that an Agriculture Entrance Permit and any other required permits have been received or issued, satisfactory to the requirements of MTO;
- iii) confirmation satisfactory to the Planning Board that the shed located within the proposed retained land, has been removed;
- iv) a fee of \$150.00 for each Transfer of Land submitted for Certification; and
- v) proof satisfactory to Planning Board that there are no outstanding taxes for the severed and the retained land.

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

Note: Owner(s) of the subject land should be made aware that building permit restrictions may apply, i.e. Agriculture Zone, wildland fire, unevaluated wetland.

Application File No's. B08-25 No. of Members Present: 7
Date of Decision: June 24, 2025
Location of Property: Part Lot 13, Conc. VIII, surveyed as Part 1, Plan 31R-3666,
Township of Allan (East) Municipality of Billings, District of Manitoulin

DECISION

The purpose of this application made under Section 53(1) of the Planning Act by Bradley and Chrisanne MacKay is to provide for the creation of a new lot having a frontage of 23.8 M. along Highway No. 540, a provincially maintained highway, and a depth of 72.5 M., thereby containing an area of ± 3.37 Hec. There are no structures within this land.

The land to be retained has a frontage of ± 166.7 M. along Highway No. 540, a provincially maintained highway and a depth of ± 272.5 M., thereby containing an area of 54 Hec. There are several structures within this land consisting of three Commercial (stick frame) Buildings, four Quonset buildings and four portable storage containers. The commercial business known as "Manitoulin Cedar Products" is located within this land.

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

File No. B25-07 created a new lot, being Lot 13, Conc. VIII and retained Lots 11 & 12, Conc. VIII and Lot 11, Conc. VII;
File No. B13-08 created a new lot, being Part of Lot 13, Conc. VIII, surveyed as Part 2, Plan 31R-3666; and
File No. B14-08 created a new lot being Part of Lot 13, Conc. VIII, surveyed as Part 3, Plan 31R-3666.

The resulting retained land of File No's. B13-08 and B14-08, is the land subject to the current application, surveyed as Part 1, Plan 31R-3666.

The approved amendment application File No. 8011ZBL-07-004 and By-law No. 2007-19, for additional uses of a sawmill, a warehouse, a fabricating shop, a work shop, an equipment or materials storage yard and a retail commercial outlet is permitted within Lot Conc. VIII.

The approved amendment application File No. 8011ZBL-11-001 and By-law No. 2011-36, for portable storage containers are permitted within Part 1, Plan 31R-3666.

Access is via an existing entrance, #10221 Highway No. 540, a provincially maintained highway.

Cole, The Ontario Ministry of Transportation provided the following comments on June 24th, 2025, are part of the preliminary review:

' I can confirm that the subject lot 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 and will require proper MTO permits. MTO supports the proposed severance in principle, with the following comments to consider:

Severed Lot:

- An MTO Entrance Permit is required in order to access the newly created lot from Hwy 540.
 - Any new entrance created must be a minimum of 45 meters from any adjacent entrance.
- An MTO Building/Land Use Permit is required for the placement of any new buildings/structures with 45 meters of the Hwy 540 property line.
- Any future development or change in land use must be subject to MTO review/approval.

Retained Lot:

- An MTO Commercial Entrance Permit is required for the existing Manitoulin Cedar Products entrance.
 - This permit will come at no cost to the client.
 - An MTO Building/Land Use Permit is required for the placement of any new buildings/structures with 45 meters of the Hwy 540 property line.
 - MTO Sign Permits are required for any signs/flags visible to the travelled portion of Hwy 540, within 400 meters of the Highway property line.
 - 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.'

Board Minutes
June 24th, 2025 - Continued

Application File No. B08-25 - continued
June 24, 2025

C. Cole, MTO, provided the following additional comments on June 23rd, 2025:

' My mistake. I can confirm there is an existing entrance permit in place for the Manitoulin Cedar Products Entrance. No new permit is required.'

An MTO sign permit is required for the existing signage. The client must submit a permit application in order to formalize the sign located on their property that is visible to the travelled portion of Hwy 540. Any questions regarding this can be direct to Michelle Lavallee, Corridor Management Officer.'

Mr. MacKay was provided with the comments received from MTO.

Mr. MacKay has advised that services consist of hauled water and that a septic system installation is in the process.

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 Rural Area in the Official Plan for the District of Manitoulin and zoned Rural (RU).

The use of the proposed severed land will conform to Zoning By-law No. 2022-57 for the Township of Billings. The use of the 'Manitoulin Cedar Products' Business is to continue for the retained land.

There is a Deer Wintering Area identified within the subject land.

Official Plan Policy D.4.5.1. 5 states in part:

' In areas identified as Core Deer yard or adjacent lands, shown on the land use schedules to this Official Plan, and outside of the identified urban areas and village areas, new development or site alteration may be permitted without an Environmental Impact Study (EIS) provided:

- a) *The proposed new lots have a minimum of 90 metres frontage and 90 metres of depth, and vegetation retention is maximized through the use of tools such as development agreement or a subdivision agreement, miscellaneous notification agreement (and subject to the other policies of this plan). Smaller lot sizes may be considered if through a means of an EIS it can be determined that no adverse impact will occur to the habitat or herd.'*

From aerial photography (2021) it appears that the property has sparse vegetation and would be unlikely to be used for winter cover or browse. The proposed severed and proposed retained land have greater than 90 metres of frontage and depth and could be exempt from an Environmental Impact Study (EIS) as per section D.4.5.1 a) of the Official Plan.

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

The application was circulated on May 30th, 2025 to Bell Canada, the Municipality of Billings, 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.

Bell Canada did not have any concerns and advised they have no comments.

The Municipality advised that they have no concerns with the application and recommend that Consent be granted with no specific conditions.

*Board Minutes
June 24th, 2025 - Continued*

*Application File No. B08-25 - continued
June 24, 2025*

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.

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 and signature as evidence of its deposit therein, illustrating the parcel(s) to which the consent approval relates;
- ii) a written confirmation from the Ministry of Transportation (MTO) that a sign permit and an entrance permit and any other required permits has been received or issued, satisfactory to the requirements of MTO;
- 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: Further development by the Consent to Sever process may not be supported.

Board Minutes
June 24th, 2025 - Continued

Application File No.: B09-25 No. of Members Present: 7
Date of Decision: June 24, 2025
Location of Property: Part Lot 50, Conc. 2, excepting Pt. Part 4, Part 5, and Pt. Part 21, Highway Plan P-2459-8, Township of Assiginack, District of Manitoulin

DECISION

The purpose of this application made under Section 53(1) of the Planning Act by Samuel Trimmer on behalf of William and Judith Trimmer is to provide for the creation of a new lot having a frontage of ± 32 M. on Bidwell Road, a maintained municipal road, and a depth of ± 60 M., thereby containing an area of ± 0.19 Hec.

The retained land has frontages of ± 294 M. on Bidwell Road & ± 200.83 M. on Sucker Lake Lane, both maintained municipal roads, & ± 92.0 M. on the non-maintained municipal allowance traversing through Lot 50, Conc. 2, & ± 17.98 M. on Part 21, Highway Plan P-2459-8, and an average depth of ± 1028.0 M., thereby containing an area of ± 34.9 Hec.

According to the application, there are no structures on the subject land.

The subject land has been designated Rural Area in the Official Plan for the District of Manitoulin and zoned Rural (RU). Residential uses are proposed for the severed land. Recreational/hunting uses are proposed for the retained land.

Access for the retained land will be either from Bidwell Road or Sucker Lake Lane, both maintained municipal roads, to Highway No. 6, a provincially maintained road. Access for the severed land, will be via Bidwell Road to Hwy No. 6.

The Ontario Ministry of Transportation (MTO) was circulated for comments, as part of the preliminary review of the application. C. Cole advised via email on June 16, 2025 as follows:

' Thank you for circulating the MTO on the attached consent application.

I can confirm that the subject lands are 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 and will require necessary MTO permits. MTO supports the proposed severance in principle, with the following comments to consider:

- *All access for both severed and retained properties must come from Bidwell Road or Sucker Lake Road exclusively. No direct access to Highway 6 will be permitted for either property.*
 - o *No MTO entrance permits required.*
- *Any new entrance on Bidwell Rd or Sucker Lake Rd must be setback a minimum of 45 meters from the intersection of Hwy6 and Bidwell Rd.*
- *An MTO Building/Land Use Permit is required for the placement of any buildings/structures within 180 meters of the intersection of Hwy 6 and Bidwell Rd.*
- *Any future development or change in land use must be subject to MTO review.*

All permits can be applied for online at the following link:

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

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

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

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

There is a hydro line identified along Bidwell Road, to the north of the property and along Highway 6 to the east. Hydro One was circulated as part of the preliminary review and S. Salt advised they have no concerns; that Hydro One does not have an easement over the property and does not require one; and there are no hydro poles within the property.

There is a barn identified to the west on Lot 51, Conc. 2, and to the north on Lot 50, Conc. 1, and to the north east on Lot 49, Conc. 1. The proposed severed lot is outside of all required setbacks. The proposed retained land has some encroachment on the west side, but there appears to be several building sites outside the buffer required. The farm related structures meet the requirements of the Minimum Distance Separation (MDS) Formulae as required by the Ministry of Agriculture Food and Rural Affairs (OMAFRA).

Board Minutes
June 24th, 2025 - Continued

Application File No. B09-25 - Continued
June 24, 2025

There are two small areas of 'High' category for Wildland Fire identified within the proposed retained land. The Provincial Policy 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.'

It appears there would be building envelopes outside the area of influence for the retained land that would conform to the Natural Heritage Policies of the Provincial Policy Statement (PPS) 2024.

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 (PPS) 2024.

The application was circulated on June 5th, 2025 to the Township 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 advised they have no concerns and recommend Consent be granted with no specific conditions.

Bell Canada did not advise of any concerns and that they have no comments.

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.

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 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 of its deposit therein, which illustrates the parcel(s) to which the consent approval relates;
- ii) a written confirmation from the municipality that entrance permits from Bidwell Road and/or Sucker Lake Lane have been issued or can be issued, for the severed and retained land, 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.

Note: Owner(s) of the subject land should be made aware that building permit restrictions shall apply, i.e. wildland fire risk, location of barns

Application File No.: B10-25 No. of Members Present: 7
Date of Decision: June 24, 2025
Location of Property: Part of Park Lot 7, South Side Hall Street, surveyed as Part 1, Plan 31R-4128, Town of Gore bay, District of Manitoulin

DECISION

The purpose of this application made under Section 53(1) of the Planning Act by Mary and Brian Bell on behalf of Colleen Storey is to provide for a lot line adjustment/lot addition to correct an access encroachment for an existing gravel driveway and a footing drain for abutting property to the west.

File No. B10-25 proposes to provide for a lot addition along the westerly boundary of Part 1, Plan 31R-4128, (#19 Gore Street), having a width of ± 10 M. and a length of ± 29.7 M., and containing an area of ± 297 Sq. M., (0.03 Hec.) This lot addition is to be added to and consolidated with an existing lot to the west, surveyed as Parts 1 and 2, Plan 31R-4144 and Part 6, Plan RR-28, having a frontage of ± 21.64 M. along Hall Street, a maintained municipal road, and an average depth of ± 220.5 M., thereby containing an area of ± 5561 Sq. M. (± 0.56 Hec.) Approval of this lot addition will result in the lot having an increased total area of ± 5858.6 Sq. M. (± 0.59 Hec.) This lot, located at #25 Hall Street, contains a dwelling, two sheds and a green house.

The land to be retained, located at #19 Gore Street, has a frontage of ± 30.18 M. on Gore Street, a maintained municipal street, and a resulting depth of ± 95.1 M., thereby containing an area of ± 2872 Sq. M. The applicant's dwelling and shed are located within this land.

The Town of Gore Bay was asked for any building permits and they advised they do not have any on file.

The subject land has been designated as Residential Area in the Official Plan for the District of Manitoulin and zoned Residential (R1). According to the application residential uses are proposed to continue.

Services consist of municipal water and sewers.

From information available, there is an old abandoned water line traversing the both properties. R. Chenard, Public Works Manager, Town of Gore Bay advised via email on May 28th, 2028:

'As per our conversation yesterday and following our review of the situation respecting the old water line, we can confirm that the line is not active and was decommissioned.'

There are Hydro Lines along Gore Street and Hall Street. Hydro One was circulated as part of the preliminary review of the Application. S. Salt advised via email on June 5th, 2025 that Hydro One has no concerns; they do not have an easement and do not require one; and that there are no Hydro One poles on the property.

Access is via existing entrances at #19 Gore Street for the retained land and at #25 Hall Street for the land benefiting from the easement, both maintained municipal streets. No new entrances are required.

The Ontario Ministry of Transportation was circulated for comments as part of the preliminary Review. MTO advised via email that Highway 540B was transferred to the Town of Gore Bay in 1997. Therefore, the subject lands are located outside the MTO's permit control area (PCA) and they have no comments to provide at this time.

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 Policy Statement (PPS) 2024.

This application was circulated on June 6th, 2025 to the Town of Gore Bay, 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.

*Board Minutes
June 24th, 2025 - Continued*

Application File No. B10-25 - Continued
June 24, 2025

The Municipality advised they have no concerns and recommend that Consent be granted with no specific conditions.

Bell Canada has not advised of any concerns and that they have no comments.

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

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

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 indicated on the Transfer of Land form; and state this conveyance is a consolidation of the severed lands with lands identified by the property identification number (PIN) and confirmed by a copy of the Parcel Register.

Accompanying the transfer documents shall be:

- i) a reference plan of survey, which bears the Land Registry Office registration number and signature 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 at the time of registration of the Transfer, and a copy of the resulting Transfer, and the new resulting Property Identification Number (PIN) will be provided to the Manitoulin Planning Board;
- iii) 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 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.	B06-25	K. Noland	J. DeForge
2.	B07-25	D. Osborne	B. Barker
3.	B08-25	B. Barker	R. Stephens
4.	B09-25	R. Stephens	B. Barker
5.	B10-25	D. McDowell	D. Osborne

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

The time now being 9:50 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 B. Barker,
- Carried Unanimously.

L. HAYDEN, CHAIR


T.A. CARLISLE
SECRETARY-TREASURER

APPENDIX 'A' - Attached to the Planning Board Meeting Minutes of June 24th, 2025

June 17, 2025

A. Little, Ontario Ministry of Municipal Affairs and Housing (MMAH) provided the following:

Hi Theresa,

Thanks very much for writing – I hope this catches you.

Unfortunately, and as discussed, we will be unable to attend in person. This is because the information previously shared remains the same. We will keep you posted as soon as we have any updates.

Thanks so much!
Anna

Planning Board Appointments Process

The Planning Act provides the Minister with several authorities related to planning boards including:

- o Creating boards and defining their composition and geography
- o Appointing provincial representatives to sit on boards, where the board includes unincorporated areas.

To be eligible to become a new provincial representative to a planning board, candidates must be a Canadian citizen and be eligible to vote in an Ontario election. Depending on the recruitment method determined by the Minister, the candidate may be expected to complete an interview and should be familiar with the unincorporated areas of the planning board. Knowledge of Ontario's land use planning system is an asset.

Potential applicants are required to submit applications electronically on the Public Service Secretariat (PAS) website. Successful candidates must also then submit additional documentation via the PAS website, e.g., criminal records check and confirming no conflicts of interest.

The 11 planning boards that deliver planning services in unincorporated areas receive funding from the ministry and there are 23 members that are appointed by the Minister of Municipal Affairs and Housing. Appointments are for a period of four years, corresponding to the municipal election cycle.

The appointments process began in September 2022 and remains underway. Further to the Planning Act, a member appointed by the Minister will hold office until their successor is appointed.

Planning Board Funding / Administration of Planning Services in the Unincorporated Territories

The Ministry of Municipal Affairs and Housing provides annual funding allocations to 11 northern planning boards that administer land use planning services to unincorporated territories on behalf of the province. These services include official plan and zoning by-law administration and decision making on land division applications.

The Manitoulin Planning Board receives a total of \$16,073 every year from that program.

Planning Boards can charge fees for applications pertaining to land use planning matters for which they are empowered to make decisions.

There is also an opportunity for planning boards to apply for additional funding through a special business case funding stream for specific projects and costs. In the last 20 years, the Manitoulin Planning Board has received a total of just under \$70,000 through the business case funding stream. The most recent Manitoulin Planning Board request for the special business case funding remains under review.