

**Notice to All Owners of Property within a 60 metre radius of Property Located at:  
Veterans Drive, Kenora, Ontario  
Locally known as the 'Clarifier Site'  
SECTION 53 OF THE PLANNING ACT, RSO 1990**

TAKE NOTICE that the Kenora Planning Advisory Committee will hold a public meeting on **February 20, 2018 at 7:00 p.m.** in the Operations Training Room, 60 Fourteenth Street North, 2nd Floor, Kenora, to consider an application for consent on property locally known as the 'Clarifiers Site', on the corner of Veterans Drive and Ninth Street North, Kenora, ON, Property Identification Number (PIN) 42163-0266.



The purpose of the application and the effect of approval would be the creation of one (1) MH-Heavy Industrial zoned lot, approximately 3.22 ha in size.

ANY PERSON may attend the public meeting and/or make written or verbal representation either in support or in opposition of the proposed application for consent.

If you wish to be notified of the decision of the Planning Advisory Committee in respect of this application, you must submit a written request to the Planning Advisory Committee. This will also entitle you to be advised of a possible Ontario Municipal Board hearing.

Even if you agree with the decision of the Committee, you should request a copy of the decision since the Planning Advisory Committee decision may be appealed to the Ontario Municipal Board by the applicant or another member of the public. To appeal the decision, of the Committee, to the Ontario Municipal Board, send a letter to the Secretary-Treasurer for the Planning Advisory Committee outlining the reasons for the appeal. You must enclose the appeal fee of \$300.00 for each application appealed, paid by cheque, made payable to the Ontario Minister of Finance.

ADDITIONAL INFORMATION relating to the proposed application for consent is available for inspection between the hours of 8:30 a.m. and 4:30 p.m., Monday - Friday, at the Planning Department, Operations Centre, 2nd Floor, 60 Fourteenth St. N., Kenora, Ontario.

or for further information please contact Melissa Shaw at 807-467-2292 and quote file no. D10-18-02.

**Dated at the City of Kenora this 5<sup>th</sup> Day of February, 2018**

Melissa Shaw, Secretary-Treasurer, 60 Fourteenth St N, 2<sup>nd</sup> Floor, Kenora, ON P9N 4M9  
807-467-2292

**The City of Kenora Operations Centre is a Scent-Free Workplace, Thank  
you.**





**City of Kenora**  
**Application for Consent**  
Section 53 of the Planning Act &  
Ontario Regulation 197/96

**Office Use Only**

Date Stamp - Date Received:



File Number: D10-18-02

Roll Number: 6016-020-009-13500

Date Received: JAN 19, 2018

Application Fee Paid: ✓

Application Deemed Complete (Date): \_\_\_\_\_

**1.0 - Requirements/Checklist for a Complete Application:**

Note: If the information below is not received the application cannot be deemed complete.

- Pre-consultation meeting
- 1 copy of the completed application form
- 2 copies of any reports/letters of support etc.
- Entrance Permit or MTO clearance if fronting a Provincial Highway
- Sketch as per the requirements of Ontario Regulation 197/96
- 2 copies of information/reports as indicated on application form
- The required application fee of as per the schedule of fees by-law
- Planning Rationale
- Required studies identified at pre-consultation or any other time (See section 8.10 of the Official Plan for full list of studies)
- Authorization
- Electronic version of all required information (i.e. Reports/studies etc.)
- Ontario Municipal Board (OMB) cost recovery undertaking
- Proof of Ownership

**2.0 - Concurrent Applications Filed**

Please check if you have filed any concurrent applications:

Official Plan Amendment

Plan of Subdivision or Condominium Description

Site Plan Application

Other (Please Specify): \_\_\_\_\_

Minor Variance

Zoning By-law Amendment

|  |  |                             |   |                |
|--|--|-----------------------------|---|----------------|
| <b>3.0 - Applicant Information</b>   |  |                             |   |                |
| Date Application Submitted to the City of Kenora:  |  |                             |   |                |
| <b>Subject Property Information</b>  |  |                             |   |                |
| Civic Address  | Street NO.:  | Street Name:                | Postal Code:  | Unit Num.:     |
| Registered Plan Number   | M- REGISTERED PLAN 158                             |                             |   |                |
| Legal Description  |  |                             |   |                |
| Reference Plan Number  | 23R-   |                             |   |                |
| Lot NO.(s)/Block NO.(s)  | PART OF BLOCK F                                    |                             |   |                |
| Concession Number(s)/PT LOT  |  |                             |   |                |
| Part Numbers(s)  | PIN 42163-0266                                     |                             |   |                |
| Tax Roll Number  | 6016 020 009 13500                                 |                             |   |                |
| Lot Frontage (Metres)  | Irregular - see attached plans                     |                             |   |                |
| Depth (Metres)   | Irregular - see attached plans                     |                             |   |                |
| Area (Ha.)   | 24.7 ha  |                             |   |                |
| <b>Owner/Applicant Information</b>   |  |                             |   |                |
| Check Appropriate Box:   | Person(s)  |                             | <input checked="" type="checkbox"/> Company                   |                |
| Registered Land Owner  | Surname: 5901058 MANITOBA LTD.                     |                             | First Name:   |                |
| Mailing Address  | Street NO.: 570                                    | Street Name: Portage Avenue | Postal Code: R3C 0G4  | Unit Num.:     |
| City   | WINNIPEG   |                             | Province: MANITOBA  |                |
| Contact Information  | Phone: 1-204-985-1370                              |                             | Fax:  |                |
| Email  | MarcelChartier@capitalgrp.ca                       |                             |   |                |
| Acquisition Date of Subject Land   | February 25, 2011                                  |                             |   |                |
| <b>Agent/Solicitor Information</b>   |  |                             |   |                |
| Company or Firm Name   | HOOK, SELLER & LUNDIN, LLP                         |                             |   |                |
| Name   | Surname: SELLER                                    |                             | First Name: RANDALL   |                |
| Mailing Address  | Street NO.: 301                                    | Street Name: FIRST AVE. S.  | Postal Code: P9N 1W2  | Unit Num.: 204 |
| City   | KENORA   |                             | Province: ONTARIO   |                |
| Contact Information  | Phone: 807-468-9831                                |                             | Fax: 807-468-8384   |                |
| Email  | rseller@hslaw.ca                                   |                             |   |                |
| <b>Mortgages, Encumbrances, Holders of Charges Etc. of Subject Land</b>                              |  |                             |   |                |
| Company  | CAMBRIAN CREDIT UNION LIMITED                      |                             |   |                |
| Contact Person   | Surname: Lester                                    |                             | First Name: David   |                |
| Mailing Address  | Street NO.: 2136                                   | Street Name: McPhillips St. | Postal Code: R2V 3B8  | Unit Num.:     |
| Contact Information  | Phone:   |                             | Fax:  |                |
| Email  | dlester@cambrian.mb.ca                             |                             |   |                |
| <b>4.0 - Please list the reports and/or studies that will accompany this application</b>             |  |                             |   |                |
| #1 - Nordstrom Title Searching Abutting Lands Report      #4 - Copy of prior Consent Approval B01/16 |  |                             |   |                |
| #2 - Plan 23R-14566  |  |                             |   |                |
| #3 - Rugged Geomatics rendition of proposed lot to be created  |  |                             |   |                |
| <b>5.0 - Purpose of Consent Application</b>  |  |                             |   |                |
| <b>Transfer:</b>   | Mortgage or Charge                                 | Lot Addition                | Creation of new lot(s) - (Number of lots created : <u>1</u> ) |                |
|  | Creation of a Lot for semi-detached or row housing |                             |   |                |
| <b>Other:</b>  | Right-of-Way                                       | Easement                    | Lot Line Adjustment/Correction                                |                |
|  | Lease  | Correction of Title         | Other (Please Specify): _____                                 |                |



## 6.0 - Transferee

If known, state the name of the person to whom the land or an interest in the land is to be transferred, charged or leased.

Pending

If the application is for lot addition, identify the lands to which the parcel will be added (legal description).

If application is for easement, identify property which will benefit (legal description).

Private Road easement for lot to be created over existing road. The creation of the easement over the existing ACH road would amount to a temporary access method until the ultimate use of the property is determined and appropriate site planning and zoning established for both previous and current severance properties. Contractual obligations have been created between the transferee of the first consent, the applicant and ultimately the Transferee of this application. Once uses are determined with the consent of the City planning authorities alternative access will be established to respond to the engineering concerns raised by the Municipal Engineer. The existing road being described as Part 3 Plan 23R-11385 is part of pin 42163-0260. Pin map attached to this application.

## 7.0 Easements

Are there any easements or restrictive covenants affecting the subject lands?

✓ YES

NO

If Yes, please describe each easement and/or covenant and its effect:

| Reference Plan Number | Instrument Number | Purpose of Easement and/or Covenant (e.g. hydro, utility, sewer, etc.) |
|-----------------------|-------------------|--|
| KR1535                | LT64681           | Northern Ontario Natural Gas Co. Ltd. for Gas                          |
| 23R-2411              | LT89483 & LT25390 | City of Kenora Hydro for Hydro   |
| 23R-9753              | LT114360          | Ontario Hydro for Hydro  |
| 23R-11385             | LT258390          | ACH Kenora Inc. for Access   |

## 8.0 Other Applications under The Planning Act

Has the subject land ever been the subject of an application for approval of any of the following?

|                             |                   |                  |
|-----------------------------|-------------------|------------------|
| Draft Plan of Subdivision   | File No.:         | Status:          |
| Condominium Description     | File No.:         | Status:          |
| Official Plan Amendment     | File No.: 20-2016 | Status: Approved |
| Zoning By-law Amendment     | File No.:         | Status:          |
| Minister's Zoning Amendment | File No.:         | Status:          |
| Site Plan Application       | File No.:         | Status:          |
| Consent                     | File No.: B01/16  | Status: Expired  |
| Minor Variance              | File No.:         | Status:          |
| Part Lot Control            | File No.:         | Status:          |
| Other (please specify)      | File No.:         | Status:          |

**9.0 Description of Subject Lands and Servicing Information (Complete each subsection.)**

|                             |                 | <u>Lot 1</u>                                      | <u>Lot 2</u> | <u>Lot 3</u> | <u>Retained</u> |
|-----------------------------|-----------------|---|--------------|--------------|-----------------|
| 9.1 Description             | Frontage (m)    | SEE PLAN  |              |              | SEE PLAN        |
|                             | Depth (m)       | SEE PLAN  |              |              | SEE PLAN        |
|                             | Area (ha)       | 3.22  |              |              | 21.48           |
| 9.2 Use of property         | Existing Use(s) | vacant  |              |              | vacant          |
|                             | Proposed Use(s) | Commercial Strip Mall and Motel including Gas Bar |              |              |                 |
| 9.3 Buildings or Structures | Existing        |   |              |              |                 |
|                             | Proposed        |   |              |              |                 |

|                   |   | <u>Lot 1</u>                                  | <u>Lot 2</u> | <u>Lot 3</u> | <u>Retained</u> |
|-------------------|---|---|--------------|--------------|-----------------|
| 9.4 Access<br>(✓) | Provincial Highway (include MTO letter of support with application) |   |              |              |                 |
|                   | Municipal – year round  |   |              |              |                 |
|                   | Municipal - seasonal  |   |              |              |                 |
|                   | Other public road   |   |              |              |                 |
|                   | Private right of way (provide documentation with application)       | Private Established Road with easement rights |              |              |                 |
|                   | Water access  |   |              |              |                 |
|                   |   |   |              |              |                 |



**Describe in Section 9.8 the parking and docking facilities to be used and the approximate distance of these facilities from the subject land and the nearest public road**

|                       |                                     | <u>Lot 1</u> | <u>Lot 2</u> | <u>Lot 3</u> | <u>Retained</u> |
|-----------------------|-------------------------------------|--------------|--------------|--------------|-----------------|
| >9.5 Water Supply (✓) | Publically owned and operated piped | Municipal    |              |              |                 |
|                       | Private individual well             |              |              |              |                 |
|                       | Private communal well               |              |              |              |                 |
|                       | Lake of other water body            |              |              |              |                 |
|                       | Other                               |              |              |              |                 |
|                       |                                     |              |              |              |                 |

|                          |  | <u>Lot 1</u> | <u>Lot 2</u> | <u>Lot 3</u> | <u>Retained</u> |
|--------------------------|--|--------------|--------------|--------------|-----------------|
| >9.6 Sewage Disposal (✓) | Publically owned and operated sanitary | Municipal    |              |              |                 |
|                          | Private individual septic              |              |              |              |                 |
|                          | Private communal septic                |              |              |              |                 |
|                          | Privy/grey water                       |              |              |              |                 |
|                          | Other                                  |              |              |              |                 |
|                          |  |              |              |              |                 |

**\* A certificate of approval from the Northwestern Health Unit for the severed and retained lots is required.**

|                         |                          | <u>Lot 1</u> | <u>Lot 2</u> | <u>Lot 3</u> | <u>Retained</u> |
|-------------------------|--------------------------|--------------|--------------|--------------|-----------------|
| >9.7 Other Services (✓) | Electricity              | Kenora Hydro |              |              |                 |
|                         | School bus service       | Municipal    |              |              |                 |
|                         | Waste/recycle collection | Municipal    |              |              |                 |

>9.8 If access to the subject land is by other than publically owned and maintained road, indicate who owns the land or road, and who is responsible for its maintenance and whether it is maintained seasonally or all year. Please attach a copy of the registered easement/agreement if available. If access is by water only, please provide proof of arrangements for docking and vehicle parking.

#### 10.0 - Land Use (Please see [www.kenora.ca/planning](http://www.kenora.ca/planning) for schedules/maps)

What is the land use designation in the City of Kenora Official Plan (2015)?

CD-Commercial Development Area for lands subject to severance application, Remainder southern portion RU-Rural Area and Future Development Area

Does the proposal conform with the City of Kenora Official Plan (2015)?

YES ✓

NO

If No, have you made a concurrent application for an Official Plan Amendment?

YES

NO ✓

File NO.:

Status:

What is the current zoning designation of the subject property?

Rural Area with a Future Development Area- Special Policy Area

Does the proposal conform to Zoning By-law No. 101-2015 as amended?

YES ✓

NO

If No, have you made a concurrent application for a zoning by-law amendment?

YES

NO

File NO.:

Status:

What is the existing use of the subject land?

Vacant

What is the proposed use of the subject land?

See Above and Planning Rationale

What are the uses of the abutting properties?

Residential and Vacant

How long have existing uses been present?

80 years plus

Has there ever been an industrial or commercial use on the subject land or adjacent land? If Yes, please explain the uses:

Yes. Abitibi Paper Mill and Associated Improvements - many have been demolished



| CONTAMINATION  | YES | NO | UNKNOWN |
|--|-----|----|---------|
| Has the grading of the subject land been changed by adding earth or other material?  |     | ✓  |         |
| Has a commercial, industrial use or a gas station ever been located on the subject land or adjacent land at any time?  | ✓   |    |         |
| Has there been petroleum or other fuel stored on the subject land or adjacent land?  | ✓   |    |         |
| Is there any reason to believe the subject land or adjacent lands may have been contaminated by former uses (brownfields, industrial waste etc.)?  | ✓   |    |         |
| What information did you use to determine the answers to the above questions? If an Environmental assessment has been performed please submit it with the application.   |     |    |         |
| Environmental studies have been conducted  |     |    |         |
| *If the answer to any of the above questions from regarding contamination were checked Yes or if there was a previous industrial or commercial use, please attach a previous use inventory with this application form showing all former uses of the subject land. A soils investigation study may also be required. |     |    |         |

#### 11.0 - IS THE PLAN CONSISTENT WITH POLICY STATEMENTS ISSUED UNDER SUBSECTION 3(1) OF THE PLANNING ACT?

Please state how this application is consistent with the 2014 Provincial Policy Statement (PPS).

The 2014 Provincial Policy statement specifically acknowledges the importance that new development take place in designated areas occurring adjacent to existing built up areas and shall have a compact form, mix of uses and densities that allow for efficient use of the land, infrastructure and public service facilities. (1.1.3.6).

In addition, settlement areas shall be the focus of growth and development and their vitality and regeneration shall be promoted. (1.1.3.1).

Infrastructure shall be brought in and co-ordinated in an efficient and cost effective manner. Planning Authorities shall identify appropriate locations and promote opportunities for intensification, re-development including brownfield sites as in this instance.

The City of Kenora's Economic Development Plan, 2009 recognized the goals of job retention, increased tax assessment and population retention as attraction.

In this Application the former Mill Site in the areas proposed would result in re-development and employment in an area that has remained vacant since the Mill demolition.

The proposed residential site with Marina components represents a logical and appropriate use of the proposed area in conjunction with the proposed adjacent commercial site for retain purposes.

Consideration has been given with respect to access utilizing the existing roadway and provision of infrastructure for sewer, water and electrical utility components all of which are near the site and have sufficient capacity to deal with the proposed utilizations.

#### 12.0 - ORIGINAL PARCEL TRANSFER

Has any land ever been severed from the parcel originally acquired by the owner of the subject land? YES ☒ NO

If Yes, please indicate the date of the transfer, the name of the transferee and the uses of the severed land:

Date of Transfer: March 16, 2016

Name of Transferee: 2508105 ONTARIO INC.

Use(s) of Severed Land: to be determined based upon site specific zoning application

### 13.0 – SIGNIFICANT FEATURES CHECKLIST

Check through the following list. Indicate under YES, NO or UNKNOWN if a listed feature is on-site or within 500 metres. Indicate under YES, NO or UNKNOWN if a listed development circumstance applies. Be advised of the potential information requirements.

| FEATURE OR DEVELOPMENT CIRCUMSTANCE   | YES | NO | DON'T KNOW | IF YES, SPECIFY DISTANCE IN M | POTENTIAL INFORMATION NEEDS  |
|---|-----|----|------------|-------------------------------|--|
| Non-farm development near designated urban areas or rural settlement areas              |     | ✓  |            |                               | Demonstrate sufficient need within 20 year projections and that proposed development will not hinder efficient expansion of urban areas or rural settlement areas. |
| Class 1 Industry <sup>1</sup>   |     | ✓  |            |                               | Assess development for residential and other sensitive uses within 70 metres.  |
| Class 2 Industry <sup>2</sup>   |     | ✓  |            |                               | Assess development for residential and other sensitive uses within 300 metres.   |
| Class 3 Industry <sup>3</sup>   |     | ✓  |            |                               | Assess development for residential and other sensitive uses within 1000 metres.  |
| Land Fill Site  |     | ✓  |            |                               | Address possible leachate, odour, vermin and other impacts.  |
| Sewage Treatment Plant  |     | ✓  |            |                               | Assess the need for a feasibility study for residential and other sensitive land uses.   |
| Waste Stabilization Pond  |     | ✓  |            |                               | Assess the need for a feasibility study for residential and other sensitive land uses.   |
| Active Railway Line   | ✓   |    |            |                               | Evaluate impacts within 300 metres.  |
| Operating mine site   |     | ✓  |            |                               | Will Development hinder continuation or expansion of operations?   |
| Non-operational mine site within 1 kilometre of subject land                            |     | ✓  |            |                               | Have potential impacts been addressed? Has mine been rehabilitated so there will be no adverse effects?  |
| Airports where noise exposure forecast (NEF) or noise projection (NEP) is 28 or greater |     | ✓  |            |                               | Demonstrate feasibility of development above 28 NEF for sensitive land uses. Above the 35 NEF/NEP contour, development of sensitive land uses is not permitted.    |
| Electric Transformer Facility   | ✓   |    |            |                               | Determine possible impacts within 200 metres.  |
| High Voltage Transmission Lines   | ✓   |    |            |                               | Consult the appropriate electric power service.  |
| Transportation and Infrastructure corridors   | ✓   |    |            |                               | Will corridor be protected? Noise Study Prepared?  |
| Agricultural Operations   |     | ✓  |            |                               | Development to comply with the Minimum Distance Separation Formulae and Official Plan.   |
| Mineral Aggregate Resource area   |     | ✓  |            |                               | Will development hinder access to the resource or the establishment of new resource operations?  |
| Mineral Aggregate Operations  |     | ✓  |            |                               | Will development hinder continuation of extraction?<br>Noise and Dust Study completed?   |
| Existing Pits and Quarries  |     | ✓  |            |                               | Will development hinder continued operation or expansion?<br>Noise and Dust Study completed?   |
| Mineral and Petroleum Resources   |     | ✓  |            |                               | Will development hinder access to the resource or the establishment of new resource operations?  |
| Significant Wetlands or potentially significant Wetlands                                |     | ✓  |            |                               | Provide Environmental Impact Study (EIS). Must demonstrate that no negative impacts will occur.  |



|   |   |   |  |  |   |
|---|---|---|--|--|---|
| Significant portions of habitat of Endangered or Threatened Species   |   | ✓ |  |  | Provide Environmental Impact Study (EIS). Must demonstrate that no negative impacts will occur.   |
| Significant Fish Habitat, Wildlife Habitat and areas of Natural and Scientific Interest   |   | ✓ |  |  | Provide Environmental Impact Study (EIS). Must demonstrate that no negative impacts will occur.   |
| Sensitive Groundwater Recharge Areas, Headwaters and Aquifers   |   | ✓ |  |  | Demonstrate that groundwater recharge areas, headwaters and aquifers will be protected.   |
| Significant Built Heritage Resources and Cultural Heritage Landscapes   |   | ✓ |  |  | Development should conserve significant built heritage resources and cultural heritage landscapes.  |
| Significant Archaeological Resources  |   | ✓ |  |  | Assess development proposed in areas of medium and high potential for significant archaeological resources. These sources are to be studied and preserved, or where appropriate, removed. Catalogued and analyzed prior to development. |
| Lake of the Woods/Winnipeg River: Within defined Portions of Dynamic Beach and 1:100 year flood level along connecting channels | ✓ |   |  |  | Development not permitted   |
| Lands Subject to Flooding and/or Erosions   |   | ✓ |  |  | Development may be permitted. Must demonstrate that hazards can be addressed.   |
| Erosion Hazards   |   | ✓ |  |  | Determine feasibility within the 1:100 year erosion limits of ravines, river valleys and streams.   |
| Floodplains   |   | ✓ |  |  | Determine limit of Development or where a Special Policy Area (SPA) is in effect, development must meet the Official Plan policies.   |
| Hazardous Sites <sup>4</sup>  |   | ✓ |  |  | Slope Study, Flood Line Study. Demonstrate that hazards can be addressed.   |
| Rehabilitated Mine Sites  |   | ✓ |  |  | Application for approval from Ministry of Northern Development and Mines should be made concurrently.   |
| Contaminated and/or Brownfield sites  | ✓ |   |  |  | Assess and inventory of previous uses in areas of possible contamination.   |

<sup>1</sup>Class 1 Industry - small scale, self-contained plant, no outside storage, low probability of fugitive emissions and daytime operations only.

<sup>2</sup>Class 2 Industry - medium scale processing and manufacturing with outdoor storage, periodic output of emissions, shift operations and daytime truck traffic.

<sup>3</sup>Class 3 Industry - indicate if within 1000 metres - processing and manufacturing with frequent and intense off-site impacts and a high probability of fugitive emissions.

<sup>4</sup>Hazardous sites - property or lands that could be unsafe for development or alteration due to naturally occurring hazards. These hazards may include unstable soils (sensitive marine clays,

#### 14.0 - ADDITIONAL INFORMATION

Please provide any additional information that you feel would be beneficial to the application:

Topographical maps attached illustrating area surrounding proposed lots

#### 15.0 - SKETCH

A sketch, draft survey or site plan, preferably prepared to scale by a professional shall be submitted as part of each application. The sketch or site plan must clearly demonstrate:

- (a) the boundaries and dimensions of any land abutting the subject land that is owned by the owner of the subject land;
- (b) the approximate distance between the subject land and the nearest township lot line or landmark such as a bridge or railway crossing;
- (c) the boundaries and dimensions of the subject land, the part that is intended to be severed and the part that is intended to be retained;
- (d) the location of all land previously severed from the parcel originally acquired by the current owner of the subject land;
- (e) the approximate location of all natural and artificial features (*for example, buildings, railways, roads, watercourses, drainage ditches, banks of rivers or streams, wetlands, wooded areas, wells and septic tanks*) that,
  - (i) are located on the subject land and on land that is adjacent to it, and
  - (ii) in the applicant's opinion, may affect the application;
- (f) the current uses of land that is adjacent to the subject land (*for example, residential, agricultural or commercial*);
- (g) the location, width and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a public travelled road, a private road or a right of way;
- (h) if access to the subject land will be by water only, the location of the parking and boat docking facilities to be used; and
- (i) the location and nature of any easement affecting the subject land.

All necessary information must be contained on one single sketch or site plan.

Applications and plans will be accepted in Metric only (1 foot = 0.3048 metres, 1 acre = 0.4046 hectares). The maximum size for the accompanying sketch/site plan shall be 11"x 17". If there is information provided on larger sizes, at least one copy shall be provided on the 11"x 17" format. Elevation drawings shall also be provided if applicable.

A copy of the most recent available survey of the subject property completed by a registered Ontario Land Surveyor (OLS) should also accompany the application.

#### 16.0 - DIRECTIONS

Please provide directions to the subject property:

Veterans Drive



**17.0 - AUTHORIZED AGENT/SOLICITOR**

If the applicant is not the owner of the land that is the subject of this application, the written authorization of the owner(s) that the applicant is authorized to make the application must be included with this form or the authorization set out below must be completed.

I/We 5901058 MANITOBA LTD. am/are the owner(s) of the land that is subject of this application for consent and I/We hereby authorize HOOK, SELLER & LUNDIN LLP to make this application on my/our behalf and to provide any of my personal information that will be included in this application or collected during the processing of the application.

x Marcel Chartier  
MARCEL CHARTIER - PRES.

JANUARY 12, 2018  
Date

Signature of owner(s)

**18.0 - SWORN DECLARATION OR AFFIDAVIT**

I, Reid E Thompson of the City of Kenora in the province of Ontario, make oath and say (or solemnly declare) that the information required under Ontario Regulation 197/96, and provided in this application is accurate, and that the information contained in the documents that accompany this application is accurate.

Sworn (or declared) before me at the City of Kenora in  
the District of Kenora this 16<sup>th</sup> day of January in the year 2018

Jami Ann Craven

JAMI ANN CRAVEN, a Commissioner, etc.,  
District of Kenora, for Hook, Seller & Lundin LLP  
Barristers & Solicitors  
Expires November 6, 2018.

[Signature]  
FOR HSL LLP

Commissioner of Oaths

Applicants(s)

**19.0 - PRIVACY CONSENT/FREEDOM OF INFORMATION DECLARATION**

Consent of Owner(s) to the use and disclosure of personal information and to allow site visits to be conducted by City Staff and members of the Planning Advisory Committee or Council Members.

I/We, 5901058 MANITOBA LTD. being the registered owner(s) of the lands subject of this application, and for the purpose of the Freedom of Information and Protection of Privacy Act, hereby authorize and consent to the use by or the disclosure to any person or public body of any personal information that is collected under the authority of the Planning Act (R.S.O. 1990 as amended) for the purposes of processing this application.

I/We also authorize and consent to representatives from the City of Kenora and the persons and public bodies conferred with under the Planning Act (R.S.O. as amended) entering upon the subject lands of this application for the purpose of conducting any site inspections as may be necessary to assist in the evaluation of the application.

1/12/2018

ML

Marcel Chartier  
MARCEL CHARTIER  
PRESIDENT

Owner(s) Signature

PERSONAL INFORMATION CONTAINED ON THIS FORM IS COLLECTED PURSUANT TO THE MUNICIPAL ACT, AND WILL BE USED FOR THE PURPOSE OF PROCESSING AND APPROVAL OF THIS APPLICATION AND ASSOCIATED APPLICATIONS. QUESTIONS ABOUT THIS COLLECTION SHOULD BE DIRECTED TO: FREEDOM OF INFORMATION AND PRIVACY COORDINATOR, CITY OF KENORA, ONE MAIN STREET SOUTH, KENORA, ON P9N 3X7 - (807) 467-2295.

## Melissa Shaw

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**From:** Randall Seller <rseller@hslaw.ca>  
**Sent:** Thursday, February 1, 2018 1:44 PM  
**To:** Melissa Shaw  
**Cc:** Susan Moreau  
**Subject:** Application for Consent- 5901058 Manitoba Ltd.

Good afternoon Melissa .

As an addendum to the comprehensive Planning Rationale submitted with the original application, I can confirm that the reason for the delay and lapsing of the 2<sup>nd</sup> consent was to accommodate the extensive work required by the surveyor Eric Rody in creating the necessary plans as are attached for the City infrastructure agreed to be granted by the applicant relating to the sewer and water lines and access road etc. to the water treatment plant. These easements are in the process of being completed by way of registration. All other aspects of the original rationale remain current.



HOOK  
SELLER  
LUNDIN  
BARRISTERS  
AND SOLICITORS

W. RANDALL SELLER ✱  
Barrister & Solicitor

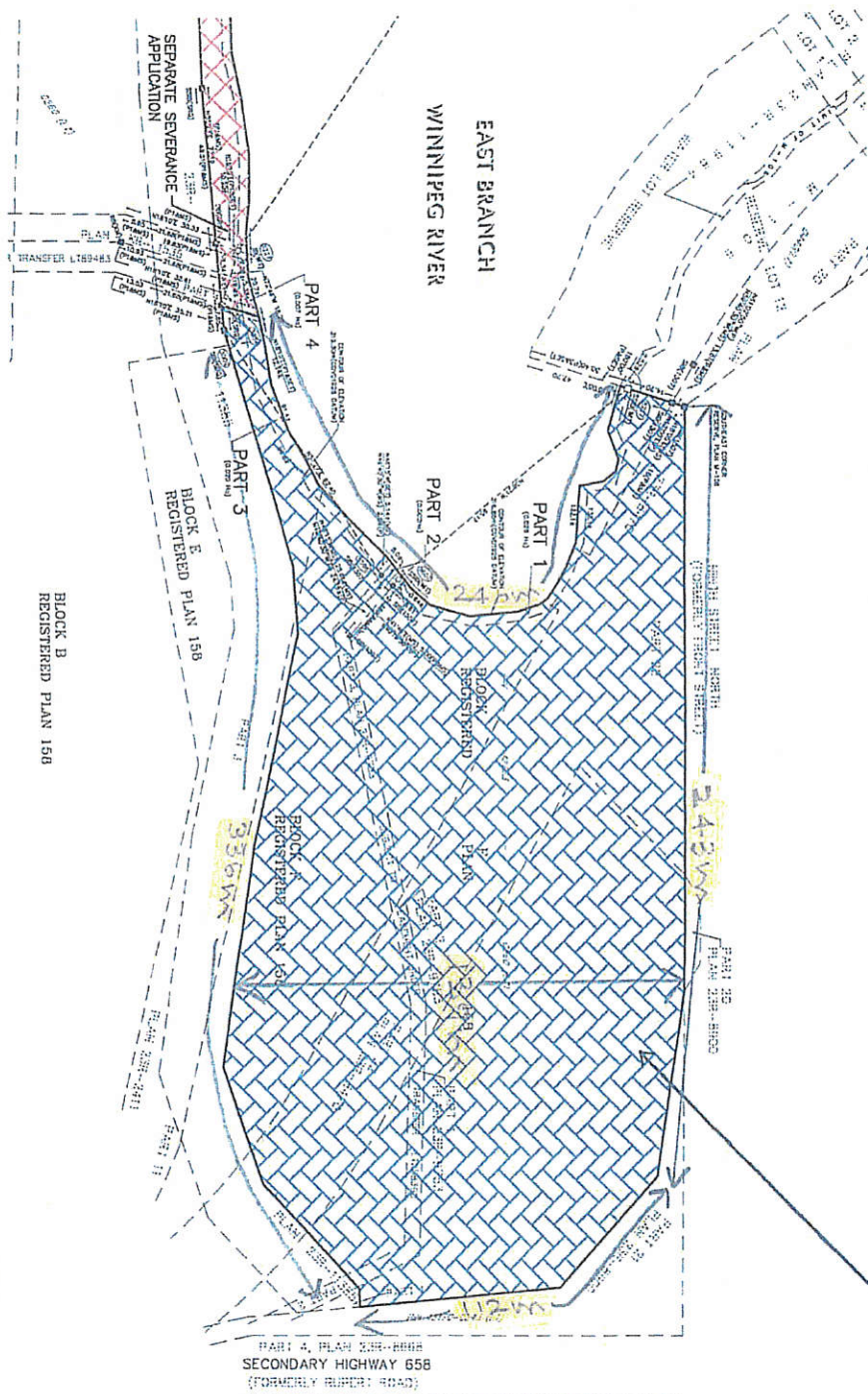
204 - 301 First Avenue South, Kenora, Ontario, P9N 1W2  
807-468-9831 (tel) 807-468-8384 (fax)

\* services provided by W. Randall F. Seller Professional Corporation

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PROPOSED SEVERED AREA #4 ( approx. 4.05 ha.)







ServiceOntario

LAND  
REGISTRY  
OFFICE #23

PARCEL REGISTER (ABBREVIATED) FOR PROPERTY IDENTIFIER.

PAGE 1 OF 2  
PREPARED FOR Moreaul2  
ON 2018/01/16 AT 14:48:06

42163-0266 (LT)

\* CERTIFIED IN ACCORDANCE WITH THE LAND TITLES ACT \* SUBJECT TO RESERVATIONS IN CROWN GRANT \*

PROPERTY DESCRIPTION:

FIRSTLY: BLK E PL 158; SECONDLY: BLK D PL 158; THIRDLY: PT BLK B PL 158 (A) COMMENCING AT THE NW CORNER OF BLK E AS SHOWN ON SAID PL 158; THENCE S 10 DEGREES 27 MINUTES E 66 FT MORE OR LESS TO THE SW CORNER OF SAID BLK E; THENCE N 75 DEGREES 39 MINUTES E 424 FT; THENCE S 78 DEGREES 19 MINUTES E 385 FT; THENCE S 67 DEGREES 34 MINUTES E 220 FT MORE OR LESS TO A POINT IN THE N LIMIT OF BLK D ON SAID PL 158, THE LAST THREE COURSES BEING THE SLY BOUNDARY OF SAID BLK E; THENCE S 75 DEGREES 42 MINUTES W 270 FT MORE OR LESS TO THE NW CORNER OF SAID BLK D; THENCE S 14 DEGREES 18 MINUTES E 200 FT TO THE SW CORNER OF SAID BLK D; THENCE N 75 DEGREES 42 MINUTES E BEING THE SLY BOUNDARY OF SAID BLK D, 300 FT MORE OR LESS TO A POINT IN THE W LIMIT OF RUPT RD; THENCE SLY ON LAST SAID LIMIT OF RD 140 FT MORE OR LESS TO WHERE IT WOULD MEET THE SLY LIMIT OF FOURTH ST N PRODUCED WLY IN A STRAIGHT LINE; THENCE S 75 DEGREES 42 MINUTES W 50 FT; THENCE SLY IN A STRAIGHT LINE 172 FT 9 INCHES MORE OR LESS TO A POINT IN THE N LIMIT OF THIRD ST N DISTANT WLY 220 FT FROM THE INTERSECTION OF THE SAID W LIMIT OF RUPT RD WITH THE SAID N LIMIT OF THIRD ST N; THENCE WLY ALONG SAID N LIMIT OF THIRD ST N 50 FT MORE OR LESS TO THE W LIMIT OF SAID ST; THENCE SLY ALONG SAID W LIMIT OF SAID ST AND THE WLY BOUNDARY OF BLK C ON SAID PL 158, 166 FT; THEN N 66 DEGREES 38 MINUTES W 743 FT; THEN S ASTRONOMICALLY 575 FT MORE OR LESS TO A POINT IN THE N LIMIT OF THE CRR; THENCE WLY ALONG SAID N LIMIT OF RAILWAY TO THE ELY BOUNDARY OF BLK A ON SAID PL 158; THENCE N 65 DEGREES W 825 FT; THENCE N 200 FT; THEN N 61 DEGREES E 520 FT; THENCE N 25 DEGREES W 300 FT MORE OR LESS TO A POINT IN THE SHORE OF WINNIPEG RIVER, THE LAST FOUR COURSES BEING THE ELY BOUNDARY OF SAID BLK A; THENCE NLY AND SLY FOLLOWING THE SHORE OF SAID WINNIPEG RIVER IN ALL ITS WINDINGS TO THE POC EXCEPT PTS 2, 3, 23R12451; FOURTHLY: PT BLK F PL 158 (B) COMMENCING AT THE NW CORNER OF SAID BLK F; THENCE SLY FOLLOWING THE E SHORE WINNIPEG RIVER IN ALL ITS WINDINGS TO WHERE IT MEETS THE NLY BOUNDARY OF BLK E SHOWN ON SAID PL 158; THENCE S 78 DEGREES 19 MINUTES E 518 FT; THENCE S 67 DEGREES 34 MINUTES E 262 FT MORE OR LESS TO A POINT IN THE W LIMIT OF PRESENT RUPT RD, THE LAST TWO COURSES BEING THE NLY BOUNDARY OF BLK E; THENCE N 14 DEGREES 18 MINUTES W ALONG SAID W LIMIT OF PRESENT RUPT RD 180 FT; THENCE N ALONG THE W LIMIT OF SAID PRESENT RUPT RD 457 FT MORE OR LESS TO A POINT IN THE S LIMIT OF NINTH ST N; THENCE WLY ALONG THE SAID SLY LIMIT OF NINTH ST N 1017 FT MORE OR LESS TO THE POC EXCEPT PTS 21, 22 & 23 PL 23R8900, PT 24 PL 23R8470, PT 1 PL 23R9530, PTS 10 & 11 PL 23R11389 & LT62438; S/T LT114360, LT258390, LT64681, LT99483; S/T EASEMENT OVER PTS 1-5 PL 23R11385 IN FAVOUR OF BLK A PL 158 AS IN KN10523; SUBJECT TO AN EASEMENT OVER PT BLKS B, E & F, PL 158 BEING PTS 1-5, 23R11385 IN FAVOUR OF PT BLK B PL 158, PTS 1, 2, 3 23R12451 AS IN KN71609; CITY OF KENORA

PROPERTY REMARKS:

ESTATE/QUALIFIER:  
FEE SIMPLE  
ABSOLUTE

OWNER'S NAMES

5901058 MANITOBA LTD.

RECENTLY:  
DIVISION FROM 42163-0260

CAPACITY SHARE

PIN CREATION DATE:  
2016/03/24

| REG. NUM.   | DATE         | INSTRUMENT TYPE  | AMOUNT                                  | PARTIES FROM                          | PARTIES TO                                   | CERT/<br>CHKD |
|-------------|--------------|--|---|---------------------------------------|--|---------------|
| ** PRINTOUT | INCLUDES ALL | DOCUMENT TYPES AND DELETED INSTRUMENTS SINCE 2016/03/24 ** |   |                                       |  |               |
| RP5700      | 1921/10/18   | LEASE  |   | *** DELETED AGAINST THIS PROPERTY *** | TOWN OF KENORA                               |               |
| LT64681     | 1960/09/19   | TRANSFER EASEMENT  | REMARKS: AMENDED UNDER LT81591, LT87410 |                                       | NORTHERN ONTARIO NATURAL GAS COMPANY LIMITED | C             |
| KR1535      | 1968/06/26   | PLAN REFERENCE   |   |                                       |  | C             |
| LT89483     | 1968/12/18   | TRANSFER EASEMENT  |   |                                       | THE CORPORATION OF THE TOWN OF KENORA        | C             |
| 23R2411     | 1975/06/13   | PLAN REFERENCE   |   |                                       |  | C             |
| LT114360    | 1975/06/13   | TRANSFER EASEMENT  |   |                                       | ONTARIO HYDRO                                | C             |
| LT195466    | 1988/11/23   | BYLAW  |   |                                       |  | C             |
| LT234356    | 1994/07/28   | NOTICE   |   |                                       |  | C             |

NOTE: ADJOINING PROPERTIES SHOULD BE INVESTIGATED TO ASCERTAIN DESCRIPTIVE INCONSISTENCIES, IF ANY, WITH DESCRIPTION REPRESENTED FOR THIS PROPERTY.  
NOTE: ENSURE THAT YOUR PRINTOUT STATES THE TOTAL NUMBER OF PAGES AND THAT YOU HAVE PICKED THEM ALL UP.





Ontario ServiceOntario

LAND  
REGISTRY  
OFFICE #23

PARCEL REGISTER (ABBREVIATED) FOR PROPERTY IDENTIFIER

PAGE 2 OF 2

PREPARED FOR Moreau12  
ON 2018/01/16 AT 14:48:06

42163-0266 (LT)

\* CERTIFIED IN ACCORDANCE WITH THE LAND TITLES ACT \* SUBJECT TO RESERVATIONS IN CROWN GRANT \*

| REG. NUM.   | DATE       | INSTRUMENT TYPE   | AMOUNT       | PARTIES FROM  | PARTIES TO                    | CERT/<br>CHKD |
|---|------------|-------------------|--------------|---|-------------------------------|---------------|
| REMARKS: AIRPORT ZONING REGULATIONS   |            |                   |              |   |                               |               |
| 23R9753   | 1997/05/23 | PLAN REFERENCE    |              |   |                               | C             |
| LT258390  | 1998/03/25 | TRANSFER EASEMENT |              |   |                               |               |
| 23R11385  | 2007/03/20 | PLAN REFERENCE    |              |   |                               | C             |
| REMARKS: PT 2 - SUBJECT TO EASEMENT UNDER TRANSFER LT258390; PT 4 - SUBJECT TO EASEMENT UNDER TRANSFER LT89483                        |            |                   |              |   |                               |               |
| KN10483   | 2007/03/30 | BYLAW             |              |   |                               | C             |
| REMARKS: FOR THE EXEMPTION OF LANDS FROM PART-LOT CONTROL IN THE CITY OF KENORA; AS TO PTS 1-5, PLAN 23R11385 & PT 11, PLAN 23R11389. |            |                   |              |   |                               |               |
| KN38705   | 2011/02/25 | APL VESTING ORDER | \$4,500,000  | QUEBEC SUPERIOR COURT                               | 5901058 MANITOBA LTD.         | C             |
| KN38706   | 2011/02/25 | CHARGE            | \$10,000,000 | 5901058 MANITOBA LTD.                               | CAMERIAN CREDIT UNION LIMITED | C             |
| KN38710   | 2011/02/25 | NO ASSGN RENT GEN |              | 5901058 MANITOBA LTD.                               | CAMERIAN CREDIT UNION LIMITED | C             |
| REMARKS: KN38706.   |            |                   |              |   |                               |               |
| 23R11987  | 2011/07/05 | PLAN REFERENCE    |              |   |                               | C             |
| KN74776   | 2016/09/07 | APL (GENERAL)     |              | *** COMPLETELY DELETED ***<br>5901058 MANITOBA LTD. |                               |               |
| REMARKS: RE REF5700   |            |                   |              |   |                               |               |
| 23R14566  | 2017/10/20 | PLAN REFERENCE    |              |   |                               | C             |

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**PROPERTY INDEX MAP**  
KENORA (No. 23)

**LEGEND**

|  |                                  |
|--|----------------------------------|
|  | FREEHOLD PROPERTY                |
|  | LEASEHOLD PROPERTY               |
|  | LIMITED INTEREST PROPERTY        |
|  | CONDOMINIUM PROPERTY             |
|  | RETIRED PIN (MAP UPDATE PENDING) |
|  | PROPERTY NUMBER                  |
|  | BLOCK NUMBER                     |
|  | GEOGRAPHIC FABRIC                |
|  | EASEMENT                         |

**THIS IS NOT A PLAN OF SURVEY**

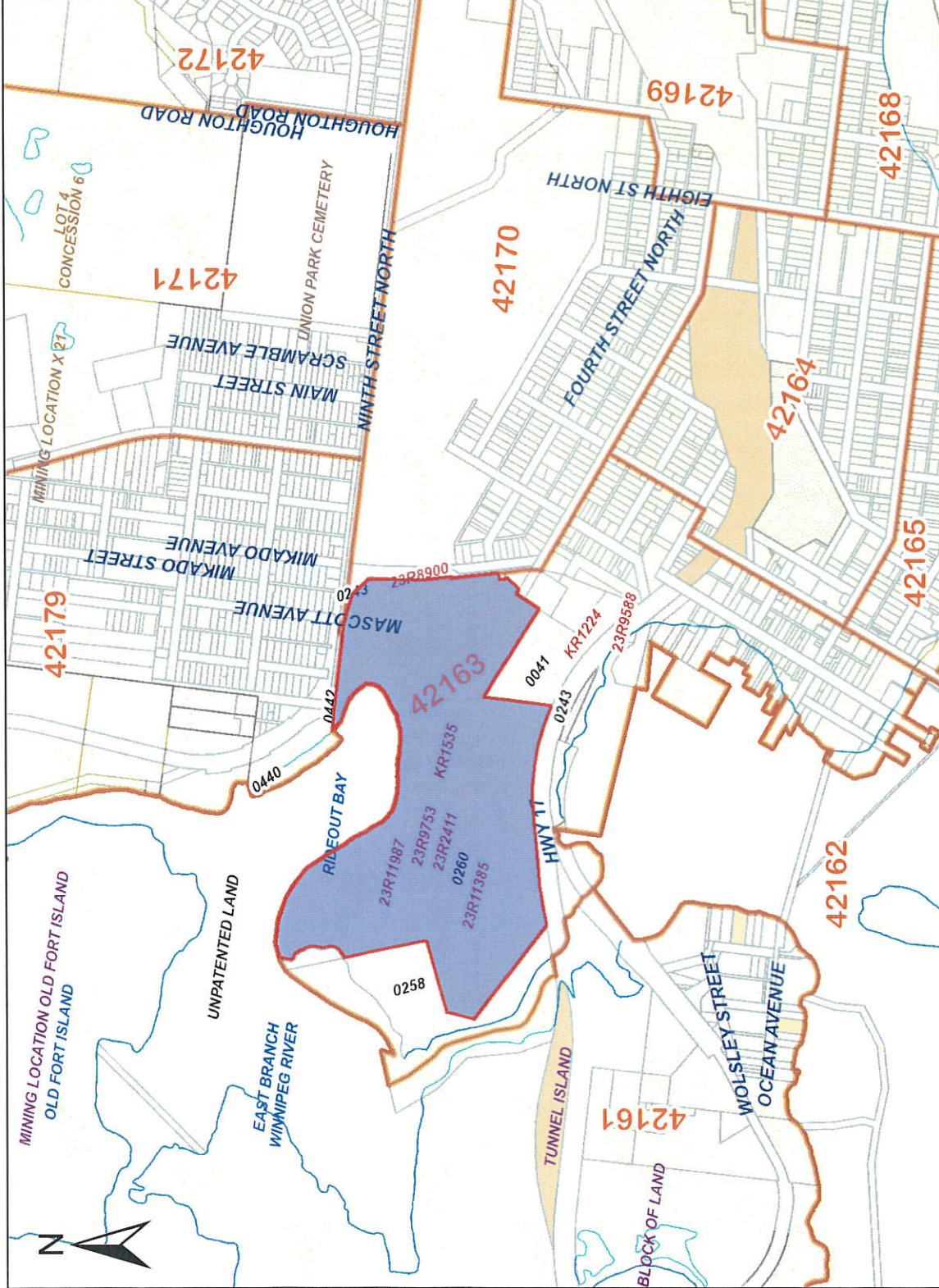
**NOTES**

REVIEW THE TITLE RECORDS FOR COMPLETE  
PROPERTY INFORMATION AS THIS MAP MAY  
NOT REFLECT RECENT REGISTRATIONS

THIS MAP WAS COMPILED FROM PLANS AND  
DOCUMENTS RECORDED IN THE LAND  
REGISTRATION SYSTEM AND HAS BEEN PREPARED  
FOR PROPERTY INDEXING PURPOSES ONLY  
FOR DIMENSIONS OF PROPERTIES BOUNDARIES SEE  
RECORDED PLANS AND DOCUMENTS

ONLY MAJOR EASEMENTS ARE SHOWN

REFERENCE PLANS UNDERLYING MORE RECENT  
REFERENCE PLANS ARE NOT ILLUSTRATED









## ABUTTING LANDS REPORT

**DATE:** March 9, 2010

**CLIENT:** Hook Seller Lundin

### SUBJECT PROPERTY:

- 1) Pin: 42170-0246 - Main Mill Site - 9<sup>th</sup> St. North  
Reg. Owner: Abitibi-Consolidated Inc.  
- Appl. PA9848 reg. 3/Feb/41 & numerous name changes
- 2) Pin: 42170-0244 - KR-918  
Reg. Owner: Abitibi-Consolidated Inc.  
- Transfer 82405 reg. 20/July/66
- 3) Pin: 42170-0163 Lots 115 to 120 incl. Blk. 5 Plan 3  
Reg. Owner: Abitibi-Consolidated Inc.  
- Appl. 11019 reg. 7/Jan/47 & numerous name changes.

### ABUTTING LANDS:

- 1) Pin: 42170-0205 - 9<sup>th</sup> St. N. ( 42171-0205 )  
Reg. Owner: The Corporation of the Town of Kenora  
- ByLaw R29891 reg. 9/March/99
- 2) Pin: 42170-0243  
Reg. Owner: The Corporation of the City of Kenora  
- Transfer 19824 reg. 20/Jan/25 & Appl. KN10843
- 3) Pin: 42170-0001  
Reg. Owner: The Corporation of the City of Kenora.  
- Beneficial Owner
- 4) Pin: 42170-0003  
Reg. Owner: Mark Cameron Thompson  
- Transfer KN13403 reg. 10/Aug/07  
Prev. Reg. Owner: Ruth Ellen Wilgress  
- Transfer R33201 reg. 28/June/05

**\*\*Planning guaranteed to date of conversion: 26/Sept/05**

5) Pin: 42170-0025

Reg. Owner: The Corporation of the City of Kenora  
- Beneficial Owner

6) Pin: 42170-0042

Reg. Owner: The Corporation of the City of Kenora  
- Beneficial Owner

7) Pin: 42170-0041

Reg. Owner: The Corporation of the City of Kenora  
- Beneficial Owner

8) Pin: 42170-0040

Reg. Owner: Gary Spicer Cameron & Tricia Lee Cameron  
- Transfer KN13774 reg. 27/Aug/07

Prev. Reg. Owner: Gary Spicer Cameron & Gail Marjorie Cameron  
- Transfer R16141 reg. 20/Sept/72

**\*\*Planning guaranteed to date of conversion: 26/Sept/05**

9) Pin: 42170-0239

Reg. Owner: The Corporation of the City of Kenora  
- Beneficial Owner

10) Pin: 42170-0245

Reg. Owner: The Corporation of the City of Kenora  
- Apl. KN10843 reg. 18/April/07

Prev. Reg. Owner: The Municipal Corporation of the Town of Kenora  
- Transfer 19824 reg. 20/Jan/25

11) Pin: 42170-0242

Reg. Owner: The Corporation of the City of Kenora  
- Appl. KN13757 reg. 24/Aug/07

Prev. Reg. Owner: The Corporation of the Town of Kenora  
- Transfer 82406 reg. 20/July/66

12) Pin: 42170-0240

Reg. Owner: Her Majesty the Queen in Right of Canada  
- Transfer 212478 reg. 21/May/91  
- exempt from planning

13) Pin: 42169-0247

Reg. Owner: The Corporation of the City of Kenora  
- Beneficial Owner

14) Pin: 42169-0240

Reg. Owner: The Corporation of the City of Kenora  
- Beneficial Owner

15) Pin: 42169-0238

Reg. Owner: The Corporation of the Town of Kenora  
- Transfer 91003 reg. 16/June/69

16) Pin: 42170-0162

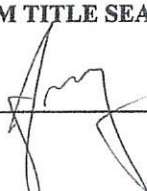
Reg. Owner: William Konoski & Mary Eula J. Konoski  
- Transfer R31786 reg. 12/March/03

**\*\*Planning guaranteed to date of conversion: 26/Sept/05**

17) Pin: 42170-0237

Reg. Owner: The Corporation of the City of Kenora  
- Beneficial Owner

**NORDSTROM TITLE SEARCHING INC.**

PER:  \_\_\_\_\_





## NOTICE OF DECISION

On Application for Consent for Lot Creation  
Section 53 of the Planning Act

**Applicant:** 5901058 Manitoba Ltd., Owner  
Randy Seller, Agent  
**File Number:** B01/16  
**Municipality:** City of Kenora  
**Subject Lands:** Described as Blocks B, D-F, Plan 158  
**Date of Decision:** February 16, 2016  
**Date of Notice:** February 18, 2016  
**Last Date of Appeal:** March 9, 2016

On February 16, 2016, the City of Kenora Planning Advisory Committee gave provisional consent to Application No. B01/16 5901058 Manitoba Ltd., in respect of land in the City of Kenora, District of Kenora. A copy of the Decision is attached.

**When and How to File a Notice of Appeal:** Notice to appeal the decision to the Ontario Municipal Board must be filed with the Secretary-Treasurer of the City of Kenora Planning Advisory Committee on or before the last date of appeal as noted above.

The notice of appeal should be sent to the attention of Tara Rickaby, Secretary/Treasurer, at the address shown below and it must:

1. set out the reasons for the appeal, and
2. be accompanied by the fee prescribed under the Ontario Municipal Board Act in the amount of \$125.00, payable to the Minister of Finance, Province of Ontario.
3. be accompanied by the fee prescribed in the City of Kenora Tariff of Fees by-law in the amount of \$150.00.

### **Who can File a Notice of Appeal:**

Only individuals, corporations or public bodies may appeal decisions in respect of a proposed plan of subdivision to the Ontario Municipal Board. A notice of appeal may not be filed by an unincorporated association or group. However, a notice of appeal may be filed in the name of an individual who is a member of the association or group on its behalf.

No person or public body shall be added as a party to the hearing of the appeal of the decision of the approval authority, including the lapsing provisions or the conditions, unless the person or public body, before the decision of the approval authority, made oral submissions at a public meeting or written submissions to the council or, in the Ontario Municipal Board's opinion, there are reasonable grounds to add the person or public body as a party.

### **How to Receive Notice of Changed Conditions:**

You will be entitled to receive notice of any changes to the conditions of the provisional consent if you have made a written request to be notified of changes to the conditions of the provisional consent.

No person or public body shall be added as a party to the hearing of an appeal regarding any changes to the conditions of approval unless the person or public body, before the approval authority

**Getting Additional Information:** Additional information about the application is available for public inspection during regular office hours at the address shown below. Additional information respecting appeals to the Ontario Municipal Board is available at [www.omb.gov.on.ca](http://www.omb.gov.on.ca).

### **Mail Address for Notice of Appeal:**

City of Kenora Planning Advisory Committee, Attn. Tara Rickaby, Secretary/Treasurer  
60 Fourteenth St. N., 2<sup>nd</sup> Floor, Kenora, ON P9N 4M9



**NOTICE OF DECISION OF  
APPROVAL AUTHORITY WITH REASONS  
RE: APPLICATION FOR CONSENT**

|   |
|---|
| File No. B01/16<br>5901058<br>Manitoba Ltd. |
|---|

.....The City of Kenora Planning Advisory Committee.....

Re: An Application by :        5901058 Manitoba Ltd., owner and Randy Seller, Agent

Location of Property :        Described as Blocks B, D-F, Plan 158

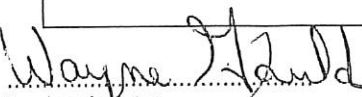
Purpose of Application :        Application for consent for create two new lots for the purpose of future  
Commercial Development Area, shown as Part 1, and future Residential  
Development Area, shown as Part 2.

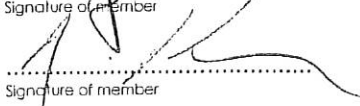
WE, the undersigned, in making the decision upon this application for consent, in addition to other matters, have had regard to the matters that are to be had regard to under subsection 51(24) of the *Planning Act* and, having considered whether an easement for utility purposes over the lands is in accordance with section 53 of the said Act is necessary for the proper and orderly development of the municipality, concur in the following decision and reasons for decision made on the **16<sup>th</sup> day of February, 2016**

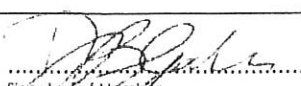
|                          |
|--------------------------|
| Decision:                |
| Approved with conditions |
|                          |

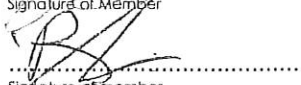
|              |
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| Conditions:  |
| See Attached |

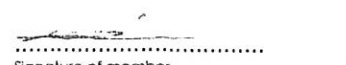
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| Reasons for Decision: |
|                       |
|                       |

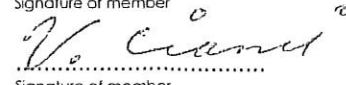
  
.....  
Signature of member

  
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Signature of member

  
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Signature of member

  
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Signature of member

  
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Signature of member

  
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Signature of member

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Signature of member

**Appeal** - The last date for filing a notice of appeal of this decision is **March 9<sup>th</sup>, 2016.**

Any such appeal must be filed with the approval authority and must set out the reasons for the appeal and must be accompanied by the fee required by the Ontario Municipal Board.

**Notice of changes (if applicable)** - You will be entitled to receive notice of any changes to the conditions of the provisional consent if you have made a written request to be notified of changes to the conditions of the provisional consent.

**Person - appeal limitation** - Only individuals, corporations and public bodies may appeal decisions in respect of applications for consent to the Ontario Municipal Board. A notice of appeal may not be filed by an unincorporated association or group. However, a notice of appeal may be filed in the name of an individual who is a member of the association or group on its behalf.

**Concurrent applications - subject land ( where applicable)** - The subject land is also the subject of an application under the Act for:

- |                                 |                 |                     |
|---------------------------------|-----------------|---------------------|
| ▪ amendment to an official plan | File # OPA 1/15 | Status ....On-going |
| ▪ zoning by-law                 | File #.....     | Status.....         |
| ▪ minister's zoning order       | File #.....     | Status.....         |
| ▪ minor variance                | File #.....     | Status.....         |

#### CERTIFICATION

I, .....Tara Rickaby..... certify that the information included herein is a true copy of the decision of the approval authority with respect to the application recorded therein.

Dated this 16<sup>th</sup> day of February, 2016. Tara Rickaby  
Signature of Official

Personal information contained on this form, collected pursuant to the *Planning Act*, will be used for the purposes of that Act. Questions should be directed to the Freedom of Information and Privacy Coordinator at the institution conducting the procedures under the Act.

### **Legislative Framework for Consent approval**

The Committee shall evaluate a consent application based on the Provincial Policy Statement (2014), The City of Kenora Official Plan (2015), Zoning By-law No. 101-2015 as amended and the provisions of section 51(24) of the Planning Act: in determining whether a provisional consent is to be given, regard shall be had, among other matters, to the health, safety, convenience, accessibility for persons with disabilities and welfare of the present and future inhabitants of the municipality and to,

- (a) the effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2;
- (b) whether the proposed subdivision is premature or in the public interest;
- (c) whether the plan conforms to the official plan and adjacent plans of subdivision, if any;
- (d) the suitability of the land for the purposes for which it is to be subdivided;
- (e) the number, width, location and proposed grades and elevations of highways, and the adequacy of them, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity and the adequacy of them;
- (f) the dimensions and shapes of the proposed lots;
- (g) the restrictions or proposed restrictions, if any, on the land proposed to be subdivided or the buildings and structures proposed to be erected on it and the restrictions, if any, on adjoining land;
- (h) conservation of natural resources and flood control;
- (i) the adequacy of utilities and municipal services;
- (j) the adequacy of school sites;
- (k) the area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes;
- (l) the extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy; and
- (m) the interrelationship between the design of the proposed plan of subdivision and site plan control matters relating to any development on the land, if the land is also located within a site plan control area designated under subsection 41 (2) of this Act

### **Recommendation B01/16 5901058 Manitoba Ltd.**

That application B01/ 16- 5901058 Manitoba Ltd., Randy Seller, Agent for consent on property formerly owned by Abitibi-Consolidated, locally known as the Clarifier Site and legally described as Blocks B, D-F, Plan 158. The effect would be to create two new lots for the purpose of future Commercial Development Area, known as Part 1, and future Residential Development Area, known as Part 2, be approved as the application has regard for the Provincial Policy Statement (2014), section 51(24) of the Planning Act, and complies with the intent of the City of Kenora Official Plan (2015) as per the reasons indicated in the planning report.

- 1) The original executed Transfer/Deed of Land form, a duplicate original and one photocopy for City records be provided
- 2) A Schedule to the Transfer/Deed of land form on which is set out the entire legal description of the parcel(s) in question and containing the names of the parties indicated on page 1 of the Transfer/Deed of Land form be provided;
- 3) Three original copies (not photocopies) of the reference plan of survey, bearing the Land Registry Office registration number and signatures as evidence of deposit therein, and



illustrating the parcel(s) to which the consent approval relates and which must show in general the same area and dimensions as the sketch forming part of the application be provided;

- 4) That the Official Plan amendment OPA 1/15 5901058 be approved and in effect;
- 5) That all costs associated with surveys, legal and transfer fees as may be required, be at the developers' cost;
- 6) That such easement(s) or undertaking(s) to provide such easements as approved by the Operations Manager and President of Kenora Hydro, as may be required for utilities; hydro, sewer and water, drainage, access and egress including the roadway to Kenora sewage treatment plant be granted to the City of Kenora and Kenora Hydro at the developers' costs, unless otherwise agreed upon by the City of Kenora and/or Kenora Hydro
- 7) That a Private Roads Agreement be in place prior to final approval; a mechanism to comply with the Official Plan for the creation of new lots and consent application on private roads. The agreement shall not form the basis of a transfer of private roads to the Municipality in conjunction with future development;
- 8) That the access point, currently providing access to the lands, on the east side and over which an easement for access in favour of the ACH/H2O property shall be shared and reciprocal easements in favour of Parts 1 and 2 will be required;
- 9) That the record of consultation Ochiichagwe'Babigo'Ining First Nation, or attempts to consult be received by the Secretary Treasurer;
- 10) That an Environmental Impact Statement (EIS) for a fishery assessment be received;
- 11) That the payment of any outstanding taxes, including penalties and interest (and any local improvement charges if applicable) shall be paid to the City of Kenora.
- 12) Transfer portion of land which was formerly occupied by the clarifier to be transferred back to the City of Kenora for Municipal purposes.
- 13) That prior to endorsement of the deeds, the Secretary-Treasurer shall receive a letter, from the owner or owner's Agent/Solicitor, confirming that conditions #1 through #12 have been fulfilled. Clearance letters from the City of Kenora and external agencies are to be included.

NOTE:

- i. That the City of Kenora may acquire lands for rights-of-way or the widening of rights-of-way, if deemed necessary. Any road widening, as required by the City of Kenora, will be specified in the Site Plan Agreement between the City and the Developer
- ii. That prior to any grading or construction on the site, and prior to final approval of the final development, the Developer will provide a final Drainage Plan with information on how the drainage basin runoff flow is calculated, information regarding the capacity of the existing natural swales and/or proposed ditches and demonstrate that the drainage for all roads and lots be as close to the property lines as possible
- iii. That prior to new use or construction on the subject lands, a record of site condition approved by MOECC will be required to be provided to the City of Kenora
- iv. The following section(s) of the Planning Act apply:

**Conditions not fulfilled**

**53(41)** If conditions have been imposed and the applicant has not, within a period of one year after notice was given under subsection (17) or (24), whichever is later, fulfilled the conditions, the application for consent shall be deemed to be refused but, if there is an appeal under subsection (14), (19) or (27), the application for consent shall not be deemed to be refused for failure to fulfill the conditions until the expiry of one year from the date of the order of the Municipal Board issued in respect of the appeal or from the date of a notice issued by the Board under subsection (29) or (33). 1994, c. 23, s. 32.

#### **Lapse of consent**

**53 (43)** A consent given under this section lapses at the expiration of two years from the date of the certificate given under subsection (42) if the transaction in respect of which the consent was given is not carried out within the two-year period, but the council or the Minister in giving the consent may provide for an earlier lapsing of the consent. 1994, c. 23, s. 32.