



January 17, 2025

RE: APPLICATION FOR SEVERANCE B11-2024
OWNER: Albert Kapush Contracting Inc.
LOCATION: Mining Location K16, Neebing, Ontario
NOTICE OF THE DECISION OF THE COUNCIL OF THE MUNICIPALITY

Property owners in the vicinity of the property which is the subject of this notice, First Nations and interested agencies, were advised by way of notice sent on December 18, 2024, of a public meeting of the Council of The Corporation of the Municipality of Neebing, sitting as Committee of the Whole, to be held on January 15, 2025. You are receiving notice of the decision either because you received one of the notices, or because you attended the hearing and requested receipt of a copy of the decision.

PLEASE TAKE NOTICE that the Committee of the Whole recommended to the Council that the application for severance be approved. Council ratified that decision at the Council meeting held on January 15, 2025. Via Resolution #2025-01-003, Council resolved:

WHEREAS Council considers that approval of the application brought by Albert Kapush Contracting, the owner, to sever from property at the end of Margaret Street North for the purposes of creating three new lots;

AND WHEREAS Council considers that the proposed locations for the severed and retained lots will not result in negative impacts to any nearby residential property owners;

AND WHEREAS Council recognizes that the approval of the application will not result in any additional service requirements from the Municipality,

NOW THEREFORE BE IT RESOLVED THAT, a public meeting having been held with respect to the application by Albert Kapush Contracting, the property owner, relative to property with no municipal address, and legally described as Mining Location K16, Part Shoreline Road Allowance on Reference Plan 55R11303 Part 2, within geographic Blake Township, Municipality of Neebing, in the District of Thunder Bay; the consent requested in Application B11-2024, as submitted, be approved, subject to the following conditions:

1. A survey is finalized and registered;
2. A driveway entrance for the severed lots is pre-approved by the Roads Foreman;
3. Satisfactory approval from the Thunder Bay District Health Unit relating to adequacy of the severed lots for septic services is obtained;
4. The easement must be registered at the Land Registration Office to provide access to the severed and retained lots; and
5. Conveyance of the easement and lots must occur within twenty-four (24) months of the date that this decision becomes final and binding.

PLEASE TAKE FURTHER NOTICE that an appeal to the Ontario Land Tribunal in respect to this severance may be made by filing a notice of appeal with the Clerk-Treasurer either via the Ontario Land Tribunal e-file service (first-time users will need to register for a My Ontario Account) at <https://olt.gov.on.ca/e-file-service/> by selecting Neebing (Municipality of) as the Approval Authority or by mail to the address noted below, no later than 4:30 p.m. on **February 6, 2025**. The filing of an appeal after 4:30 p.m., in person or electronically, will be deemed to have been received the next business day. The appeal fee of \$1,100 can be paid online through e-file or by certified cheque/money order to the Minister of Finance, Province of Ontario. If you wish to appeal to the Ontario Land Tribunal (OLT) or request a fee reduction for an appeal, forms are available from the OLT website at www.olt.gov.on.ca. If the e-file portal is down, you can submit your appeal to clerk@neebing.org.

Should there be no appeal, the Decision will become final and binding. It is the applicant and/or agent's responsibility to fulfil the conditions of consent approval within two years of the date of this letter pursuant to Section 53 of the Planning Act. We will issue no further notice or warning of the expiration of the two-year period. If the conditions to consent approval are not fulfilled within two years from the date of this letter and the applicant is still interested in pursuing the proposal, a new application will be required.

Who Has Appeal Rights

Other than the applicant, only a "specified person" or "public body", as defined in s. 1(1) of the *Planning Act*, has the ability to appeal the decision to the Ontario Land Tribunal.

"Specified person" means,

- (a) a corporation operating an electric utility in the local municipality or planning area to which the relevant planning matter would apply,*
- (b) Ontario Power Generation Inc.,*
- (c) Hydro One Inc.,*
- (d) a company operating a natural gas utility in the local municipality or planning area to which the relevant planning matter would apply,*
- (e) a company operating an oil or natural gas pipeline in the local municipality or planning area to which the relevant planning matter would apply,*
- (f) a person required to prepare a risk and safety management plan in respect of an operation under Ontario Regulation 211/01 (Propane Storage and Handling) made under the Technical Standards and Safety Act, 2000, if any part of the distance established as the hazard distance applicable to the operation and referenced in the risk and safety management plan is within the area to which the relevant planning matter would apply,*
- (g) a company operating a railway line any part of which is located within 300 metres of any part of the area to which the relevant planning matter would apply, or*
- (h) a company operating as a telecommunication infrastructure provider in the area to which the relevant planning matter would apply.*

THIS NOTICE is sent to various public authorities and agencies, and to the property owners surrounding the Subject Property (as required by Ontario Regulation 197/96, as amended), for their information. It will also be posted on the Municipality's website at www.neebing.org/notices.

Yours truly,



Erika Kromm
Clerk-Treasurer
THE CORPORATION OF THE MUNICIPALITY OF NEEBING