

**DECISION**

In the matter of an application for a consent pursuant to Section 53 (1) of the Planning Act, R.S.O. 1990, as amended, as it affects the following property:

**LOT 22, CONCESSION 9  
MUNICIPALITY OF WEST ELGIN  
MUNICIPAL ADDRESS: 21179 CLACHAN ROAD**

The applicant proposes to sever a parcel with a frontage of 6.096 metres (20 feet) and a depth of 393.33 metres (1,290.45 feet) and an area of 12,140.6m<sup>2</sup> (3 acres) to sever an existing dwelling that is surplus to a farming operation. The applicant is retaining a lot with a frontage of 969.17 metres (3,179.7 feet) and a depth of 969.17 metres (3,179.7 feet) and an area of 79.72ha (197 acres), proposed to remain in agricultural use.

**DECISION:** The Elgin County Land Division Committee considered all written and oral submissions received on this application, the effect of which helped the committee to make an informed decision.

Severance application E 1-23 be **approved** subject to the following conditions:

This decision will expire unless a deed is presented for stamping by: March 22, 2025.

That the following requirements of the County of Elgin are met, including the following:

1. A digital copy of the draft and final deposited reference plan be provided to the County of Elgin.
2. Solicitor Undertaking to provide a copy of the registered deed for the severed parcel once completed be provided to the County of Elgin.
3. That the applicants apply for, and be granted consent for the purposes of an easement for hydro lines on the proposed retained land.

That the following requirements of the Municipality of West Elgin are met, including the following:

1. That the Applicant meet all the requirements, financial and otherwise of the Municipality, to the satisfaction and clearance of the Municipality.
2. That the Applicant provides a description of the lands to be severed which can be registered in the Land Registry Office, to the satisfaction and clearance of the Municipality.
3. That the Applicant's Solicitor provides an undertaking to the Municipality, to provide a copy of the registered deed for the severed parcel once the transaction has occurred to the Municipality.
4. That the Applicant successfully apply to the Municipality for a Zoning By-law Amendment for the severed and retained parcels and having such rezoning of the Zoning By-law come into full force and effect pursuant to the Planning Act, to the satisfaction and clearance of the Municipality.
5. That the Applicant have a drainage reapportionment completed (if required) pursuant to the *Drainage Act*, to the satisfaction and clearance of the Municipality.
6. That prior the final approval of the County, the County is advised in writing by the Municipality how the above-noted conditions have been satisfied.
7. That all conditions noted above shall be fulfilled within two years of the Notice of Decision, so that the County of Elgin is authorized to issue the Certificate of Consent pursuant to Section 53(42) of the *Planning Act*.

**DECISION**

**Application #E 1-23**

March 22, 2023

Members concurring in the above ruling by recorded vote:

<u>Member:</u>	<u>YES</u>	<u>NO</u>
John "Ian" Fleck (Chair)	X	
Tom Marks	X	
Bill Ungar	X	
John Seldon	X	
Dave Jenkins	X	
John Andrews	X	
Dugald Aldred	X	

Where conditions have been imposed and the applicant has not, within a period of two years from the giving of the notice of decision pursuant to subsection (17) of Section 53 of the Act, fulfilled the conditions, the application for consent shall thereupon be deemed to be refused, but where there is an appeal under subsections (19) or (27), the application for consent shall not be deemed to be refused for failure to fulfill the conditions until the expiry of a period of two years from the date of the order of the Local Planning Appeal Tribunal issued in respect of the appeal or from the date of a notice issued by the Tribunal under subsection (29) or (33).

**CERTIFICATION**

I, Paul Clarke, Secretary-Treasurer of the Land Division Committee of Elgin, certify that the above is a true copy of the decision of the Land Division Committee with respect to the application recorded herein.

Dated this 22<sup>nd</sup> day of March, 2023.



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Paul Clarke  
Secretary-Treasurer  
Land Division Committee

**CORPORATION OF THE COUNTY OF ELGIN**

**NOTICE OF DECISION**

**APPLICATION NO. E 1-23**

**LOT 22, CONCESSION 9  
MUNICIPALITY OF WEST ELGIN  
MUNICIPAL ADDRESS: 21179 CLACHAN ROAD**

ATTACHED is a certified copy of the decision of the Land Division Committee of the County of Elgin in the matter of an Application **E 1-23** for a consent pursuant to Section 53 (17) of the Planning Act, R.S.O. 1990, as amended.

You will be entitled to receive notice of any changes to the conditions of the provisional consent if you have either made a written request to be notified of the decision to give or refuse provisional consent or make a written request to be notified of changes to the conditions of the provisional consent.

The Minister, the Applicant, the approval authority and prescribed persons or public bodies may appeal the decision and/or any condition(s) imposed by the Committee to the Ontario Land Tribunal (the Tribunal) by filing with the Secretary-Treasurer of the Land Division Committee, not later than the **11<sup>th</sup> day of April, 2023**, a Notice of Appeal, accompanied by the Tribunal's fee, in the amount of \$400.00 for the first appeal and \$25.00 for each further appeal related to the same matter. (N.B. – Certified Cheques or Money Orders are to be made payable to the Minister of Finance). If you wish to appeal, a copy of an appeal form is available from the Tribunal website at <https://olt.gov.on.ca/appeals-process/forms/> or for pick-up at the County Municipal Offices, 450 Sunset Drive, St. Thomas.

Only individuals, corporations and public bodies may appeal decisions in respect of applications for consent to the Ontario Land Tribunal. 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.

**ADDITIONAL INFORMATION** regarding this application for consent is available for inspection daily, Monday to Friday, between 8:30 A.M. and 4:30 P.M., at the County Municipal Offices, 450 Sunset Drive, St. Thomas.

Dated at the Municipality of Central Elgin this 22<sup>nd</sup> day of March, 2023.



Paul Clarke  
Secretary-Treasurer  
Land Division Committee

c.c. Municipality of Central Elgin: Paul Shipway, [pshipway@centralelgin.org](mailto:pshipway@centralelgin.org); Diane Wilson, [dwilson@centralelgin.org](mailto:dwilson@centralelgin.org); Steve Craig, [scraig@stthomas.ca](mailto:scraig@stthomas.ca); Susie Cardoso, [scardoso@centralelgin.org](mailto:scardoso@centralelgin.org)

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