

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:

**PART OF LOT 12, CONCESSION 9
MUNICIPALITY OF WEST ELGIN
23625 PIONEER LINE**

The applicant proposes to sever a parcel with a frontage of 48m (157 feet), a depth of 122m (400 feet), and an area of 5,856m² (1.45 acres) to sever a dwelling that is surplus to a farming operation. The applicant is retaining a lot with an area of 75.8ha (187 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 74-23 be **approved** subject to the following conditions:

This decision will expire unless a deed is presented for stamping by: October 25, 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. Municipal addressing to be provided to Elgin County by the municipality to the satisfaction of Elgin County.
4. That the applicants register an easement with a total width of 3m, 1.5m on either side of the existing hydro pole on the severed lands in favour of the owner of the retained lands. The necessary documents for the registration of the easement, including the details of the terms of the easement, be provided to the Secretary-Treasurer at the same time as the deeds for stamping for the creation of the severed lot.

That the following requirements of the Township of Malahide 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 including any applicable easements and/or rights-of-way 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 severed and retained lands are transferred to the prospective purchaser Michael D Simon as outlined in the purchase agreement.
5. That the septic system assessment completed for the severed parcel, dated August 24, 2023 be reviewed and revised, if needed, to the satisfaction and clearance of the Municipality.
6. That the Applicant demonstrate that there is appropriate access to the retained farm parcel to the satisfaction of the Municipality and/or County. If new access is required application shall be made to the applicable approval

- authority and a new access installed at the applicant's expense and to the satisfaction of the applicable road authority;
7. That the Applicant successfully apply to the Municipality for a Zoning By-law Amendment for the severed and retained parcels. Such amendment of the Zoning By-law must come into full force and effect pursuant to the Planning Act, to the satisfaction and clearance of the Municipality.
 8. That the Applicant have a drainage reapportionment completed (if required) pursuant to the *Drainage Act*, to the satisfaction and clearance of the Municipality.
 9. 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.
 10. 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 74-23

October 25, 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 | | |

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 25th day of October, 2023.



Paul Clarke
Secretary-Treasurer
Land Division Committee

CORPORATION OF THE COUNTY OF ELGIN

NOTICE OF DECISION

APPLICATION NO. E 74-23

**PART OF LOT 12, CONCESSION 9
MUNICIPALITY OF WEST ELGIN
23625 PIONEER LINE**

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 74-23** 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 specified 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 **14th day of November, 2023**, a Notice of Appeal, accompanied by the Tribunals 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 25th day of October, 2023.



Paul Clarke
Secretary-Treasurer
Land Division Committee

c.c.

Municipality of West Elgin: Jana Nethercott, jnethercott@westelgin.net; Robert Brown, planning@westelgin.net

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