

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 A, CONCESSION 9
MUNICIPALITY OF WEST ELGIN
19911 PIONEER LINE**

The applicant proposes to sever a parcel with a frontage of 44.423m (145 feet), a depth of 101.263m (332 feet) and an area of 0.450ha (1.11 acres) to sever a dwelling that is surplus to a farming operation. The applicant is retaining a lot with an area of 65.41ha (161 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 applications E 36-24 be **approved** subject to the following conditions:

This decision will expire unless a deed is presented for stamping by: May 22, 2026

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 municipal addressing be provided to Elgin County by the local municipality to the satisfaction of Elgin County.
4. That, if necessary, an easement be registered in favour of the severed parcel for the access and maintenance of the exiting hydro line across the retained lands.

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 septic system assessment completed for the severed parcel, dated March 8, 2024 be reviewed and revised, if needed, to the satisfaction and clearance of the Municipality.
5. That the Applicant shall have a private water well assessment completed on the retained parcel to ensure the drinking water source supplying the severed parcel is safe for human consumption, to the satisfaction and clearance of the Municipality.
6. That the applicant establish an easement in favour of the severed parcel for access to and maintenance of the water well and water line on the retained parcel;

7. 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.
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 36-24

May 22, 2024

Members concurring in the above ruling by recorded vote:

<u>Member:</u>	<u>YES</u>	<u>NO</u>
John "Ian" Fleck	X	
Tom Marks (Chair)	X	
Bill Ungar		
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 22nd day of May, 2024.



Paul Clarke
Secretary-Treasurer
Land Division Committee

CORPORATION OF THE COUNTY OF ELGIN

NOTICE OF DECISION

APPLICATION NO. E 36-24

**LOT A, CONCESSION 9
MUNICIPALITY OF WEST ELGIN
19911 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 36-24** 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 **11th day of June, 2024**, 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 22nd day of May, 2024.



Paul Clarke
Secretary-Treasurer
Land Division Committee

c.c. Municipality of West Elgin: Terri Towstiuć, clerk@westelgin.net; Robert Brown, planning@westelgin.net

**County of Elgin
Planning Department**
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