

**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:

**LOTS 9, 10, AND 11, CONCESSION 7  
MUNICIPALITY OF WEST ELGIN**

The applicant proposes to sever three (3) parcels, each with a frontage of 36.246m (118 feet), a depth of 99.09m (325 feet) and an area of 3,591m<sup>2</sup> (0.88 acres) to create three (3) new residential lots. The applicant is retaining a lot with an area of 37.6ha (93 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 63-24 to E 65-24 be **approved** subject to the following conditions:

This decision will expire unless a deed is presented for stamping by: August 28, 2026

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

1. The County of Elgin should receive a digital copy of the draft and final deposited reference plan.
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 by the local municipality to Elgin County, to the satisfaction of Elgin County.

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 have a drainage reapportionment completed (if required) pursuant to the *Drainage Act*, to the satisfaction and clearance of the Municipality.
5. That the Applicant shall make payment of cash-in-lieu, of applicable parkland dedication pursuant to Section 51.1 of the *Planning Act*, for each of the three severed parcels, to the satisfaction and clearance of the Municipality.
6. That the Applicant provide an assessment from a qualified septic system installer demonstrating that the severed parcels are suitable for a privately owned and operated septic system, to the satisfaction and clearance of the Municipality;
7. That the applicant provide documentation from a qualified individual that private water wells can be installed on each of the three severed parcels to the satisfaction of the Municipality;

8. That the applicant obtain new access permits from the municipality to the westerly most and centre severed parcel, any cost associated with the new access installation shall be the responsibility of the applicant;
9. That the applicant establish a mutual access right-of-way over the proposed centre lot in favour of the easterly most severed parcel for access;
10. That the applicant apply for and receive three new civic addresses, one for each of the severed parcels;
11. That the applicant apply for and receive a new civic address for the retained farm parcel;
12. 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.
13. 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 63-24 to E 65-24**

August 28, 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	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 28<sup>th</sup> day of August, 2024.



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Paul Clarke  
Secretary-Treasurer  
Land Division Committee

**CORPORATION OF THE COUNTY OF ELGIN**

**NOTICE OF DECISION**

**APPLICATION NO. E 63-24 to E 65-24**

**PART OF LOT 15, PART OF LOT 88, CONCESSION 6 AND CONCESSION STR  
TOWNSHIP OF MALAHIDE  
49757 TALBOT 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 63-24 to E 65-24** 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 **17<sup>th</sup> day of September, 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 28<sup>th</sup> day of August, 2024.



Paul Clarke  
Secretary-Treasurer  
Land Division Committee

c.c. Municipality of West Elgin: Terri Towstiuć, [clerk@westelgin.net](mailto:clerk@westelgin.net); Robert Brown, [planning@westelgin.net](mailto:planning@westelgin.net)

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