

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 21, CONCESSION 3, R PLAN 11R-10347
MUNICIPALITY OF WEST ELGIN
25130 ARGYLE LINE**

The applicant proposes to sever a parcel with a frontage of 37 m (121.39 ft), a depth of 180 m (590.55 ft) and an area of 12,140.6 m² (3.00 acres) to add to an existing lot. The applicant is retaining a lot with an area of 254,200 m² (62.814 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 9-25** be **approved** subject to the following conditions:

This decision will expire unless a deed is presented for stamping by: February 26, 2027.

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 Section 3 or 5 of Section 50 of Planning Act continues to apply to any subsequent conveyance or transaction involving the subject 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 Applicant successfully apply to the Municipality for a Zoning By-law Amendment to rezoned the lot addition lands to match the zoning of the receiving lot at 25130 Argyle Line;
5. The Zoning By-law amendment required as condition #6 come into full force and effect pursuant to the Planning Act, to the satisfaction and clearance of the Municipality.
6. That the applicant make application for an entrance permit to formalize the existing farm access;
7. That the applicant apply for a new civic address to the retained farm parcel;
8. That the receiving lot owner at 25130 Argyle obtain a cancellation certificate from the County of Elgin to nullify the original severance of 25130 Argyle Line and permit the consolidation of the lot with the lot addition lands.
9. That the severed parcel be conveyed to and consolidated with the receiving lot at 25130 Argyle Line (Roll No. 3434 000 070 03500) and that Section 50

- (3 or 5) of the Planning Act applies to any subsequent conveyance of or transaction involving the parcel of land that is the subject of this consent;
10. 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.
 11. 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 9-25

February 26, 2025

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 26th day of February, 2025.



Paul Clarke
Secretary-Treasurer
Land Division Committee

CORPORATION OF THE COUNTY OF ELGIN

NOTICE OF DECISION

APPLICATION NO. E 9-25

LOT 21, CONCESSION 3, R PLAN 11R-10347

MUNICIPALITY OF WEST ELGIN

25130 ARGYLE 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 9-25** 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 (OLT) by filing with the OLT no later than the **18th of March 2025 at 4:30PM**. The Notice of Appeal must be filed with the approval authority, must set out the reasons for the appeal, and, must be accompanied by the fees required by the Tribunal and the County.

HOW TO FILE AN APPEAL: Appeals are submitted to the Secretary-Treasurer via the Ontario Land Tribunal's (OLT) online e-file service.

1. Navigate to the OLT's e-file service at <https://olt.gov.on.ca/e-file-service/>.
2. On the e-file service, sign into your *My Ontario Account* (first time users will need to register for a *My Ontario Account*).
3. Submit the appeal via the e-file service and ensure that you select the correct approval authority, which in this case is listed as "*Elgin (County) – Director of Planning*".
4. Pay the fee required by the OLT. The fee schedule and methods of payment can be found on the OLT website at <https://olt.gov.on.ca/fee-chart/>.
5. Pay the fee of required by the County, as outlined in the County's User Fees and Charges By-Law, as amended.
 - a. OLT payment options and instructions are available online. NB: Cheques must be made out to the 'Minister of Finance'.
 - b. County payments can be made via electronic (in person only) or standard (cheque, money order) means. NB: Cheques or Money Order must be made out to the "Treasurer, County of Elgin".
6. Anyone filing an appeal that does not use the OLT's e-file portal may submit the required material directly to the Secretary-Treasurer at the address listed above. Please note that an additional administrative fee will apply. Forms can be downloaded from the OLT website above or are available for pick-up at the County Municipal Offices, 450 Sunset Drive, St. Thomas, and can be submitted to landdivision@elgin.ca

WHO CAN FILE AN APPEAL: 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 26th of February, 2025.



Paul Clarke
Secretary-Treasurer
Land Division Committee

c.c.
Municipality of West Elgin: CAO; Robert Brown, planning@westelgin.net