

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 2
MUNICIPALITY OF WEST ELGIN
13904 GRAHAM RD**

The applicant proposes to sever a parcel with a frontage of 32 m, a depth of 98 m, and an area of 4,884 m² to sever a dwelling surplus to a farming operation. The applicant is retaining a lot with an area of 39.6 ha 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 36-25 be **approved** subject to the following conditions:

This decision will expire unless a deed is presented for stamping by: **July 23, 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 municipal addressing be provided to the County of Elgin by the local Municipality, to the satisfaction of the County.
4. That the owner dedicate lands along the frontage of the severed and retained lot/parcel up to 15m from the centreline and an additional 5.182m of construction of Stalker Line (County Road 9) to the County of Elgin for the purposes of road widening if the right of way(s) is not already that width, to the satisfaction of the County Engineer. All costs to be borne by the owner.

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 severed and retained lands are transferred to the prospective purchaser David Buurma as outlined in the purchase agreement.
6. That the Applicant have a septic system assessment completed by a qualified individual, on the proposed severed parcel to ensure that the privately owned

- and operated septic system is functioning in accordance with Municipal protocol, to the satisfaction and clearance of the Municipality.
7. That the applicant demonstrate to the satisfaction of the Municipality that the livestock barns on the severed parcel are no longer capable of housing livestock;
 8. That the applicant demonstrate to the satisfaction of the Municipality that there is separate formal access to the retained parcel;
 9. That the Applicant have a drainage reapportionment completed pursuant to the *Drainage Act*, to the satisfaction and clearance of the Municipality;
 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 36-25

July 23, 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		
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 23rd day of July 2025.



Paul Clarke
Secretary-Treasurer
Land Division Committee

CORPORATION OF THE COUNTY OF ELGIN

NOTICE OF DECISION

APPLICATION NO. E 36-25

LOT 22, CONCESSION 2 MUNICIPALITY OF WEST ELGIN 13904 GRAHAM RD

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 36-25** 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 **August 12, 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.
 - OLT payment options and instructions are available online. NB: Cheques must be made out to the 'Minister of Finance'.
 - County payments can be made via electronic (in person only) or standard (cheque, money order) means. NB: Cheques and Money Order must be made out to: "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 23rd day of July, 2025.



Paul Clarke
Secretary-Treasurer
Land Division Committee

c.c.

Municipality of West Elgin: Robin Greenall, rgreenall@westelgin.net; Robert Brown,
planning@westelgin.net

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