

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:

**PLAN 202 PART LOT 30
MUNICIPALITY OF WEST ELGIN
MUNICIPAL ADDRESS: 22003 QUEEN ST**

The applicants propose to sever a parcel with a frontage of 20.0 metres (65.62 feet) along Queen St by a depth of 61.003 metres (200.14 feet) and an area of 0.12 hectares (0.30 acres). The owners are retaining 2.88 hectares (7.12 acres) proposed to remain in residential use

Consent requested by: James Price & Robert Miller

Consent granted to: Unknown

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.

Conditions: This Decision will expire unless a deed is presented for stamping by: March 24, 2022.

1. That the requirements of the Municipality of West Elgin are met, including the following:
 - a. That the severed parcel be revised from 20 metres to 19.7 metres of lot frontage, and the retained parcel be increased to 20m of lot frontage;
 - b. That it is acknowledged that the retained parcel's area is approximately 2.64 hectares (6.2 acres), different from that contained in the Application and Notice;
 - c. That the Applicant meet all the requirements, financial and otherwise of the Municipality, to the satisfaction and clearance of the Municipality.
 - d. 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;
 - e. That the Applicant's Solicitor provides an undertaking that a copy of the registered deed for the severed parcel once the transaction has occurred will be provided to the Municipality;
 - f. That the Applicant shall make payment of cash-in-lieu of applicable parkland dedication pursuant to Section 51.1 of the Planning Act, to the satisfaction and clearance of the Municipality;
 - g. That the Applicant successfully apply to the Municipality to obtain relief to the Zoning By-law to recognize the proposed new lot area and lot frontage of the retained parcel and having such relief to the zoning by-law come into full force and effect pursuant to the Planning Act, to the satisfaction and clearance of the Municipality;
 - h. That the Voros Municipal Drain be improved pursuant to the Drainage Act, through realignment, to promote the orderly development of the severed parcel, at the Applicant's sole cost and expense, to the satisfaction and clearance of the Municipality.
 - i. That the Applicant have a drainage reapportionment completed pursuant to the Drainage Act, to the satisfaction and clearance of the Municipality;
 - j. That the Applicant apply for municipal water connection, at the Applicant's sole cost and expense, to the satisfaction and clearance of the Municipality;
 - k. That the Applicant apply for a municipal sewer connection, at the Applicant's sole cost and expense, to the satisfaction and clearance of the Municipality;

- l. That prior to the final approval of the County, the County is advised in writing by the Municipality how the above-noted conditions have been satisfied;
 - m. That the conditions of Application E 13/21 be fulfilled, in conjunction with Application E 12/21; and
 - n. That all conditions noted above shall be fulfilled within one year 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.
2. That the requirements of the County of Elgin and the Land Division Committee are met, including the following:
- a. A digital copy of the draft and final deposited reference plan be provided to the County of Elgin; and
 - b. Solicitor Undertaking to provide copy of registered deed for the severed parcel once completed.
 - c. The applicant shall provide to the County of Elgin a signed acknowledgement and undertaking confirming:
 - i. The applicant has been advised that the Ontario Building Code Act requires confirmation of servicing including an individual on-site potable water supply and/or an individual on-site sewage system prior to the issuance of a building permit;
 - ii. The applicant has made the necessary inquiries of the Municipality to determine the work necessary in order to confirm that the site conditions are suitable for the long-term provision of such services with no negative impacts; and
 - iii. The applicant undertakes to advise any future purchaser of the above acknowledgement and the results of such inquiries;
 - d. That the Municipality confirms that there is sufficient reserve water and sewage treatment capacity for the proposed lot;
 - e. The owner dedicate lands along the frontage of the severed and retained lots/parcels up to 10 m from the centerline of construction of Queens Street County Road (104) to the County of Elgin for the purposes of road widening if the right of way is not already to that width, to the satisfaction of the County Engineer. All costs to be borne by the owner;
 - f. Direct Connection to a legal outlet for the severed lot is required, if an existing connection is unavailable, to the satisfaction of the County Engineer. All costs to be borne by the owner. Discharge of water to the County road allowance is prohibited;
 - g. If necessary, an entrance permit be obtained from Elgin County for the entrance to the severed parcel. All costs associated with this shall be borne by the owner;
 - and
 - h. Lot Grading Plan is required for the severed lot.

Reasons: Residential lot in Tier 1 (Rodney) settlement area

**County of Elgin
Planning Department**
450 Sunset Drive
St. Thomas, Ontario
N5R 5V1 Canada
Phone: 519-631-1460
Fax: 519-631-4549

DECISION

Application #E 13-21

March 24, 2021

Members concurring in the above ruling by recorded vote:

<u>Member:</u>	<u>YES</u>	<u>NO</u>
John "Ian" Fleck (Chair)	X	
Dennis O'Grady	X	
Rosemary Kennedy	X	
John Seldon	X	
Jack Van Kasteren	X	
John Andrews		
Dugald Aldred	X	

Where conditions have been imposed and the applicant has not, within a period of one year 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 one year 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, Nancy Pasato, Acting 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 24th day of March, 2021.



Nancy Pasato
Acting Secretary-Treasurer
Land Division Committee

CORPORATION OF THE COUNTY OF ELGIN

NOTICE OF DECISION

APPLICATION NO. E 13-21

**PLAN 202 PART LOT 30
MUNICIPALITY OF WEST ELGIN
MUNICIPAL ADDRESS: 22003 QUEEN ST**

JAMES PRICE & ROBERT MILLER

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 13-21 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.

ANY PERSON or public body may appeal the decision and/or any condition(s) imposed by the Committee to the Local Planning Appeal Tribunal by filing with the Secretary-Treasurer of the Land Division Committee, not later than the **12th day of April, 2021**, 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 LPAT'S website at www.elto.gov.on.ca 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 Local Planning Appeal 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 24th day of March, 2021.

Nancy Pasato
Acting Secretary-Treasurer
Land Division Committee

c.c. Municipality of West Elgin, jnethercott@westelgin.net, planning@westelgin.net
Agent: Dan McKillop, danmckillop2012@hotmail.ca