

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:

**PT LOT 9, CONCESSION 2
MUNICIPALITY OF WEST ELGIN
MUNICIPAL ADDRESS: 21934 JOHNSTON LINE**

The applicants propose to sever a parcel with a frontage of 19.65 metres (64.46 feet) along Johnston Line by a depth of 218.94 metres (718.31 feet) and an area of 0.6082 hectares (1.50 acres) containing one residence, a shop and a garden shed, surplus to the needs of the owners. The owners are retaining 24.57 hectares (60.73 acres) to remain in agricultural use.

Additionally, there are two easements on the subject lands: one for an underground hydro line and one for an underground water line, each across the retained lands, in favour of the severed lands (as seen on the provided sketches).

Consent requested by: **Pioneer Hay Sales LTD**

Consent granted to: **Pioneer Hay Sales LTD**

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: September 22, 2022.

That the 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 parcel and retained parcel 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 Applicant shall have a private water well assessment completed on the retained parcel to ensure the drinking water source is safe for human consumption, to the satisfaction and clearance of the Municipality.
6. That the Applicant have a septic system assessment be completed by a qualified individual, on the proposed severed parcel to ensure that the lands are suitable for a privately owned and operated septic system, to the satisfaction and clearance of the Municipality.
7. That the Applicant shall engage a qualified designer and contractor to install a new septic system on the proposed severed parcel through the building permit process pursuant to the Building Code Act, to the satisfaction and clearance of the Municipality.
8. That the Applicant have a drainage reapportionment completed pursuant to the Drainage Act, to the satisfaction and clearance of the Municipality.
9. That the Applicant's Solicitor prepare an Easement Agreement between the severed and retained parcels for the existing privately owned and operated individual well and associated private waterline, to be registered on title at the



Owner's sole cost and expense, to the satisfaction and clearance of the Municipality.

10. That the Applicant's Solicitor provides an undertaking to the Municipality, to provide a copy of the registered Notice of Easement for the water well and waterline once the transaction has occurred to the Municipality.

That the requirements of the County of Elgin and the Land Division Committee are met, including the following:

1. That the owner dedicate lands along the frontage of the severed and retained lots/parcels up to 15 metres from the centerline of construction of Johnston Line County Road 6, 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.
2. That, if necessary, an entrance permit be obtained from Elgin County for a new entrance to the severed and/or retained parcel(s). all costs associated with this shall be borne by the owner.
3. A digital copy of the draft and final deposited reference plan be provided to the County of Elgin;
4. Solicitor Undertaking to provide a copy of registered deed for the severed parcel once completed: and
5. Municipal addressing to be provided to Elgin County, from the local municipality, prior to final approval, to the satisfaction of Elgin County Planning.

Reasons: Creation of a surplus farm dwelling lot.



DECISION

Application #E 68-21

September 22, 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	X	
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, Aisling Lavery, 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 September, 2021.

Aisling Lavery
Secretary-Treasurer
Land Division Committee



CORPORATION OF THE COUNTY OF ELGIN

NOTICE OF DECISION

APPLICATION NO. E 68-21

**PT LOT 9, CONCESSION 2
MUNICIPALITY OF WEST ELGIN
MUNICIPAL ADDRESS: 21934 JOHNSTON LINE**

PIONEER HAY SALES LTD.

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 68-21 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 October 2021**, a Notice of Appeal, accompanied by the Tribunals fee, in the amount of \$300.00 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 23rd day of September, 2021.

Aisling Lavery
Secretary-Treasurer
Land Division Committee

c.c. Municipality of Central Elgin, dwilson@centralelgin.org, scraig@stthomas.ca
Agent Dan McKillop, danmckillop@hotmail.ca

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