



Application #E 5-22

February 23, 2022

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 19, CONCESSION 12
MUNICIPALITY OF WEST ELGIN
MUNICIPAL ADDRESS: 9440 GRAHAM ROAD**

The applicant proposes to sever a parcel with a frontage of 21.86 metres (71.72 feet) along Graham Road by a depth of 68.67 metres (225.30 feet) and an area of 0.15 hectares (0.37 acres) to create a new residential lot. The applicants are retaining 1.07 hectares (2.64 acres), proposed to remain in residential use.

Consent requested by: **Marilyn Ott**

Consent granted to: **Marilyn Ott**

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: February 23, 2024.

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 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.
5. That the Applicant successfully apply to the Municipality for a Minor Variance/Zoning By-law Amendment for the severed parcel and having such relief/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.
6. That the Applicant have a drainage reapportionment completed pursuant to the Drainage Act, to the satisfaction and clearance of the Municipality.
7. That the Applicant shall have a septic system assessment be completed by a qualified individual, on the proposed severed parcel to ensure that the existing privately owned and operated septic system is in working order and proper location and complete any improvements necessary, through a septic inspection, to the satisfaction and clearance of the Municipality.
8. That the Applicant shall have a septic system assessment be completed by a qualified individual, on the proposed retained parcel to ensure that the lands are suitable for a privately owned and operated septic system, to the satisfaction and clearance of the Municipality.
9. That the Applicant's Solicitor provide a request for clearance of conditions to the Municipality, demonstrating how all the conditions of consent has been fulfilled, 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.

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

1. A digital copy of the draft and final deposited reference plan be provided to the County of Elgin;
2. Solicitor Undertaking to provide a copy of registered deed for the severed parcel once completed;
3. Municipal addressing to be provided to Elgin County, from the local municipality, prior to final approval, to the satisfaction of Elgin County Planning;
4. 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;
5. That, if necessary, an entrance permit be obtained from Elgin County for a new entrance to the severed and/or retained parcels. All costs associated with this shall be borne by the owner;
6. Lot Grading Plan is required for the severed lot.

DECISION

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February 23, 2022

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 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, Julie Gonyou 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 February, 2022.



Julie Gonyou
Secretary-Treasurer
Land Division Committee

CORPORATION OF THE COUNTY OF ELGIN

NOTICE OF DECISION

APPLICATION NO. E 5-22

**LOT 19, CONCESSION 12
MUNICIPALITY OF WEST ELGIN
MUNICIPAL ADDRESS: 9440 GRAHAM ROAD
Marilyn Ott**

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 5-22 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 **14th day of March, 2022**, 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 23rd day of February, 2022.



Julie Gonyou
Secretary-Treasurer
Land Division Committee

c.c. Municipality of West Elgin: Jana Nethercott jnethercott@westelgin.net, Bryan Pearce planning@westelgin.net

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