

## COUNTY OF PERTH LAND DIVISION COMMITTEE

The County of Perth Land Division Committee met on Monday, February 14, 2011 at 10:00 a.m. in the Council Chamber at the County Court House, 1 Huron St., Stratford.

Present: Ian Forrest (Chair), Mert Schneider (Vice-Chair), Jim Aitcheson, Bill French, Rhonda Ehgoetz, Leslie Belland (Secretary-Treasurer), and Dave Hanly (Planning Representative).

Dave Hanly chaired the meeting for the election of officers for 2011.

**Moved by Mert Schneider and Seconded by Bill French  
That Ian Forrest be nominated as Chair for 2011  
Moved by Rhonda Ehgoetz and Seconded by Mert Schneider  
That nominations be closed. Carried.**

**Moved by Jim Aitcheson and Seconded by Ian Forrest  
That Mert Schneider be nominated as Vice Chair for 2011  
Moved by Ian Forrest and Seconded by Jim Aitcheson  
That nominations be closed. Carried.**

**Moved by Rhonda Ehgoetz and Seconded by Bill French  
That Leslie Belland be appointed as Secretary-Treasurer for 2011. Carried.**

**Moved by Rhonda Ehgoetz and Seconded by Jim Aitcheson  
That Geoff VanderBaaren and Dave Hanly be appointed as Deputy Secretary-Treasurers for 2011  
Carried.**

No Declaration of Interest was stated.

1. **B35/10 Raymond Allen Fowler and Patricia Fowler  
Part Lot 7, North Boundary Concession, Blanshard Ward, Township of  
Perth South (4260 Perth Line 9)**

The applicant's lawyer, Mr. Bob Stephens, was in attendance. He briefly outlined the history of the subject property noting the subject lands had been inadvertently merged and explained the application was necessary to sever the parcels and that the lot addition would result in the farm and house coming together. Dave Hanly commented that the reason the parcels merged was that the Registry Office considered the applicant names to be one in the same. He further commented that the proposed conditions were straight forward.

**Moved by Rhonda Ehgoetz  
Seconded by Mert Schneider  
That Application B35/10 be granted provisional consent subject to the following conditions:**

1. Confirmation be received from a solicitor that the Certificate of the Official will be scanned and attached to the electronic registration of the Transfer.
2. The Committee being provided with a description that is consistent with the application and equal to that required for registration of a deed/transfer or other conveyance of interest in land under the provision of the Registry Act or Land Titles Act (2 copies of Registered Reference Plan required).

3. A solicitor's undertaking shall be received which shall be to the effect that, at the time of registration of the transfer to which the certificate under Section 53(42) of the Planning Act, 1990 is affixed, the name(s) of the owner(s) of the abutting lands to which the parcels are being joined, are the same as the transferee(s) in the said transfers.
  4. That the area being severed be added to the abutting lot owned by Greg and Sue Fowler and that Section 50(3) or (5) of the Planning Act, 1990 shall apply to any subsequent conveyance or transaction of the severed parcel and the Certificate under Section 53(42) shall contain reference to this stipulation.
  5. Confirmation be received from a solicitor that the resultant lot (severed lands and the land to which it is being added) will be encumbered by any mortgage(s) as one lot at the time of registration of transfer or that there are no outstanding mortgages/encumbrances on the lands to which the severed lands are being added.
  6. An undertaking from a solicitor that the parcels will be consolidated under Land Titles onto one P.I.N.
  7. Confirmation be received from the Township of Perth South that all financial requirements have been met (if any).
  8. Confirmation be received from the Township of Perth South of a Zoning By-law Amendment being approved by the Township to recognize the reduced lot frontage and area of the enlarged property, and to place the enlarged retained land in the "Rural Residential Zone (RR)". **CARRIED.**
2. **B31/10            Herbert F. Hughes**  
**Lot 15 and 16, Concession 8, Wallace Ward, Municipality of North Perth**  
**(5507 and 5531 Line 90)**

To create a new lot by severing a 100 acre agricultural parcel with an existing barn, shed, and house, while retaining a vacant 100 acre agricultural parcel.

The applicant, Mr. Herbert Hughes, was in attendance. He offered no comments. Dave Hanly advised that the application is straight forward and that the MDS is met. Rhonda Ehgoetz questioned if there was a building on the retained portion and Mr. Hughes explained that there is only an old foundation and a drilled well, and that the barn previously on the parcel had burned down.

**Moved by Mert Schneider**

**Seconded by Bill French**

**That Application B31/10 be granted provisional consent subject to the following conditions:**

1. Confirmation be received from a solicitor that the Certificate of the Official will be scanned and attached to the electronic registration of the Transfer.
2. The Committee being provided with a description that is consistent with the application and equal to that required for registration of a deed/transfer or other conveyance of interest in land under the provision of the Registry Act or Land Titles Act (2 copies of Registered Reference Plan required).
3. Confirmation be received from the Municipality of North Perth that all financial requirements have been met (if any). **Carried.**

3. **B32/10 Marlene Ballantyne**  
**Part Lot 6, Concession 2, Part Lot 7, Concession 1 and Lot 7, Concession, 2,**  
**Downie Ward, Township of Perth South (4246 Perth Line 32)**

To create a new lot by severing an approximate 146 acre agricultural parcel with an existing farm dwelling, subject to a railway easement, while retaining approximately 75.75 acres with no buildings. A single detached dwelling is proposed for the retained portion.

The applicant, Marlene Ballantyne, was in attendance. She offered no comments. Dave Hanly gave the past history of the lot creation in the 1950's and 60's, noting there had been no recent developments of the subject property and that the recommendation to approve was appropriate.

**Moved by Jim Aitcheson**

**Seconded by Rhonda Ehgoetz**

**That Application B32/10 be granted provisional consent subject to the following conditions:**

1. Confirmation be received from a solicitor that the Certificate of the Official will be scanned and attached to the electronic registration of the Transfer.
2. The Committee being provided with a description that is consistent with the application and equal to that required for registration of a deed/transfer or other conveyance of interest in land under the provision of the Registry Act or Land Titles Act (2 copies of Registered Reference Plan required).
3. Confirmation be received from the Township of Perth South that all financial requirements have been met (if any).
4. Confirmation be received from the Perth County Public Works Department that all existing and new entrances on the severed and retained parcels accessing a County road have received prior approval from the Public Works Department or that an approved Access Permit has been obtained. **Carried.**

4. **B33/10 Alex Rupert**  
**Part of Park Lot 36, Registered Plan 339, Mitchell Ward, Municipality of West Perth**  
**(3 Clayton Street)**

To create a new lot by severing a vacant 5,250 square foot residential parcel while retaining a 12,180 square foot parcel with an existing single-family dwelling.

Alex and Patricia Rupert were in attendance. Mr. Rupert commented his application is straight forward. Don VanHevel, a neighbouring landowner residing at 23 Pickett Court, was in attendance to bring forward several concerns he has with the Municipality of West Perth in regards to plowing of snow, parking of vehicles on the street that could prevent driveway access to emergency vehicles, as well as other driveway, water and parking issues in the area. Mr. Forrest advised Mr. VanHevel that his concerns would be noted; however, his issues should be addressed by the Municipality of West Perth and that perhaps he should write a formal letter to the Council of the Municipality of West Perth. Mr. Hanly noted the comments from West Perth regarding the depth of the sanitary services being uncommonly deep but felt the concerns were not significant regarding the lot creation process. Rhonda Ehgoetz questioned whether the small size of the lot was a concern and Mr. Hanly replied it was not significant.

**Moved by Bill French**

**Seconded by Mert Schneider**

**That Application B33/10 be granted provisional consent subject to the following conditions:**

1. Confirmation be received from a solicitor that the Certificate of the Official will be scanned and attached to the electronic registration of the Transfer.
  2. The Committee being provided with a description that is consistent with the application and equal to that required for registration of a deed/transfer or other conveyance of interest in land under the provision of the Registry Act or Land Titles Act (2 copies of Registered Reference Plan required).
  3. Confirmation be received from the Municipality of West Perth that all taxes have been paid.
  4. Confirmation be received from the Municipality of West Perth that all financial requirements have been met.
  5. Confirmation be received from the Municipality of West Perth of an approved Zoning By-law Amendment to address the zoning deficiencies generated with the approval Consent Application B33/10.
  6. Written confirmation be received from Alex and Patricia Rupert that they have had discussions with the Municipality of West Perth officials concerning connection to the municipal sanitary collection system and issues related to same. **Carried.**
5. **B34/10 Frank Herold  
Lot 17, Plan 44M-21, Listowel Ward, Municipality of North Perth  
(485 and 489 Danby Street)**

To create a new lot by severing 324.55 square metres with an existing semi-detached house while retaining 317.52 square metres with an existing semi-detached house.

Representing Mr. Herold at the meeting was his agent, Ted Connolly. Mr. Connolly offered no comments. Dave Hanly commented that the application is straight forward and that separation of two semi-detached dwellings is typically done by lifting part lot control.

**Moved by Mert Schneider**

**Seconded by Jim Aitcheson**

**That Application B34/10 be granted provisional consent subject to the following conditions:**

1. Confirmation be received from a solicitor that the Certificate of the Official will be scanned and attached to the electronic registration of the Transfer.
2. The Committee being provided with a description that is consistent with the application and equal to that required for registration of a deed/transfer or other conveyance of interest in land under the provision of the Registry Act or Land Titles Act (2 copies of Registered Reference Plan required).
3. Confirmation be received from the Municipality of North Perth that all financial requirements have been met (if any). **Carried.**

**Adoption of Minutes:**

**Moved by Jim Aitcheson**

**Seconded by Rhonda Ehgoetz**

**That the Minutes of the November 29, 2010 LDC Meeting be received. Carried.**

**Business Arising from Minutes:** None**Correspondence:** None**Appeals from November 29, 2010 Decisions:** None**New Business:**

- the Committee discussed whether the name of the Committee would change to the Perth County Consent Granting Committee or remain as the Perth County Land Division Committee. It was decided to leave as Land Division.
- regarding the OACA Fall Seminar, the Committee was advised of the change in date to September 29<sup>th</sup> and 30<sup>th</sup>, 2011.
- the need for all committee members to sign each motion was discussed and will be researched further.

**New Files Since Last Meeting:**

- B01/11 by Kilberg Properties Inc. for a new lot creation, Part Lot 15, RCP 487, Wallace Ward, Municipality of North Perth (At the request of the applicant's lawyer, this application is on hold until further notice).
- B02/11 by Doris Hocking for a new lot creation, Lot 30, Concession 10, Part Lot 32, NTR Concession, and Part Lot 33, NTR Concession, Fullarton Ward, Municipality of West Perth (6152 Perth Line 20).
- B03/11 by Alium Investments Limited for a lot addition, Part Lot 30, Concession 1 as described as Part of Lot 2 and all of Lots 3, 4, 5 and 6, RCP 430, Elma Ward, Municipality of North Perth.

**Pending Files:**

- B16/08 and B17/08 by Olive Marie Henry for one new lot creation each, Part Lot 26, Concession 1, Ellice Ward, Township of Perth East (5014 Line 34). (At the request of the applicant, these applications are on hold until further notice.)
- B03/10 by Hugh Carey for a new lot creation, Lot 53, Registered Plan 363, Milverton Ward, Township of Perth East (11 Maple Street). (This application was deferred by the Land Division Committee on February 22 and April 14, 2010 pending Official Plan conformity and resolution of drainage issues by a drainage engineer and will need to be reheard by the Consent Granting Committee.)
- B16/10 by Bradley and Patricia Weber for a new lot creation, Lots 13, 14 and 15, Part Lots 12 and 16, Registered Plan 278, North Easthope Ward, Township of Perth East (2234 Line 34) (Shakespeare). (This application was deferred by the Land Division Committee on August 9, 2010 to allow the applicant time to facilitate discussion with the Ministry of Transportation and will need to be reheard by the Consent Granting Committee.)
- B22/10, B23/10 (Amended), and B24/10 (Amended) by Barbara Wildgust for one new lot creation each, Part Lot 20, Concession 6, Ellice Ward, Township of Perth East. (These applications were deferred by the Land Division Committee on September 20, 2010 and November 29, 2010 to allow further review of drainage issues and will need to be reheard by the Consent Granting Committee.)

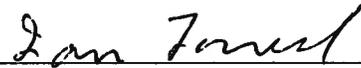
- B27/10, B28/10 and B29/10 by George and Marjorie Johnston for one new lot creation each, Lot 30, Concession 3, Elma Ward, Municipality of North Perth (7768 Perth Road 147). (At the request of the applicant, these applications are on hold until the Municipality has an opportunity to review a previously made Agreement between Mr. Johnston and the Municipality that stipulates any further lot creation on the subject property is to be by plan of subdivision and not through the consent process, and until the Municipality considers and makes a decision on Mr. Johnston's request to amend or nullify the Agreement.)

**Next Meeting Date: Monday, April 18<sup>th</sup>. 9:30 a.m. start.**

**Moved by Jim Aitcheson**

**That the meeting be adjourned. Carried.**

The meeting adjourned at 11:39 a.m.



---

Ian Forrest, Chairman