



COUNTY OF PERTH LAND DIVISION COMMITTEE

The County of Perth Land Division Committee met on Monday, August 15, 2011 at 9:30 a.m. in the Council Chamber at the County Court House, 1 Huron St., Stratford.

Committee Members Present:

Ian Forrest (Chair)
Mert Schneider (Vice-Chair)
Jim Aitcheson
Bill French
Rhonda Ehgoetz

Staff Present:

Leslie Belland (Secretary-Treasurer)
Dave Hanly (Planning Representative)

1. CALL TO ORDER

With quorum present, Chair Ian Forrest called the meeting to order at 9:30 a.m.

2. ADOPTION OF AGENDA

Moved by: Mert Schneider
Seconded by: Jim Aitcheson

THAT the Land Division Committee agenda for August 15, 2011 be approved. **Carried.**

3. DECLARATION OF PECUNIARY INTEREST

No Disclosure of Pecuniary Interest stated.

4. ADOPTION OF PREVIOUS MINUTES

Moved by: Bill French
Seconded by: Mert Schneider

THAT the minutes of the June 13, 2011 Land Division Committee meeting be approved. **Carried.**

5. HEARING OF APPLICATIONS FOR CONSENT

5.1 File No.: B13/11

Name of Applicant: Terry RATH

Owner: Ron and Carol Baker

Legal Description: Part Lot 21, Concession 4, North Easthope Ward,
Township of Perth East (2213 Line 40)

Nature of the Application: To create a lot addition by severing a vacant 12,096 square foot

residential parcel to be added to the abutting commercial property to the south owned by Bulk Tech Inc. for access purposes, while retaining a 7.5 parcel with an existing single family dwelling and shed.

The owner of the subject property, Ron Baker, was in attendance. He offered no comments. Dave Hanly commented that the application is straight forward and that a zoning condition and the GRCA's condition should be included as part of the approval. Bill French noted that the property description was incorrect on the photo.

Moved by: Mert Schneider
Seconded by: Rhonda Ehgoetz

THAT Application B13/11 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 Bulk Tech Inc. 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 East that the parkland dedication fee has been paid.
8. Confirmation be received that the severed and retained lands have been rezoned to the satisfaction of the Township of Perth East.
9. That the applicant obtain a permit from the Grand River Conservation Authority pursuant to the Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses, Ontario Regulation 150/06 as amended, if required. **Carried.**

5.2 **File No.:** B10/11

Name of Applicant: Bernice ASKETT

Legal Description: Park Part Lot 2, Registered Plan 150, Listowel Ward, Municipality of North Perth (440 Reserve Ave., S.)

Nature of the Application: To create a new lot by severing a 7,200 square foot residential parcel, together with an easement for a mutually shared driveway, while retaining 14,032.44 square feet with an existing single family dwelling and shed.

The owner of the subject property, Bernice Askett, was in attendance. She offered no comments. Dave Hanly noted that the application is straight forward and is for a residential infill lot on Reserve St. S., and further that it is in compliance with the Zoning By-law. He suggested the mutual driveway be included in the approval.

Moved by: Mert Schneider

Seconded by: Jim Aitcheson

THAT Application B10/11 be granted provisional consent, together with an easement for a mutually shared driveway, 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.**

5.3 **File No.:** B14/11

Name of Applicant: Steve KREUTER

Owner: Clifford and Marilyn Kreuter

Legal Description: Part Lot 20, Concession 11, Ellice Ward, Township of Perth East (4784 Line 46)

Nature of Application: To create a lot addition by severing an approximate 690 square metre residential parcel to be added to the abutting lot to the west owned by Steve and Marion Kreuter, while retaining 2286 square metres with an existing single family dwelling and two car brick garage.

The applicant, Steve Kreuter, and his agent Peter Moreton, were in attendance. Neither offered any comments. Dave Hanly noted that the application is straight forward and that lot addition conditions should be imposed, if approved.

Moved by: Rhonda Ehgoetz

Seconded by: Jim Aitcheson

THAT Application B14/11 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 Steven and Marion Kreuter 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. **Carried.**

- 5.4 **File No.:** B01/11 - AMENDED
Name of Applicant: KILBERG PROPERTIES INC.
Legal Description: Part Lot 15, RCP 487, Wallace Ward, Municipality of North Perth (David Street)
Nature of Application: To create a new lot by severing a vacant 1704.09 square metre commercial parcel subject to and together with an easement for stormwater runoff from the abutting westerly lands owned by Bridge Country Feeds Inc., while retaining a vacant 23015.84 square metre parcel with an existing stormwater pond. The erection of a commercial building is proposed for the severed portion.

David Dickey, the applicant's solicitor was in attendance. He referred to an easement on the property to the west of the severed portion for stormwater runoff to a stormwater pond on the retained parcel, that is not on the sketch. He said the purpose of the application is to extend the easement. An insurance building is also proposed for the new lot. He addressed the municipal services noting that the applicant will enter into a servicing agreement with the Municipality. Mr. Hanly commented that it is appropriate for municipal services i.e. electricity, water and sewage to be dealt with in a servicing agreement with the Municipality and that conditions will flow through to the new owner of the property. Ian Forrest commented that associated costs should also flow through to the owner.

Moved by: Mert Schneider
Seconded by: Bill French

THAT Application B01/11 – Amended, be granted provisional consent, subject to and together with an easement for stormwater runoff from the abutting westerly lands owned by Bridge Country Feeds Inc., 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.
4. Confirmation be received from the Municipality of North Perth that the owner of the property has entered into a Servicing Agreement with the Municipality of North Perth.
5. Confirmation be received from a solicitor that the existing drainage easement has been amended to allow for lot drainage of the proposed lot to be conveyed to the existing stormwater management pond on the retained land. **Carried.**

5.5 **File No.:** B22/10 (Deferred from November 29, 2010 to allow further review of drainage issues)

Name of Applicant: Barbara WILDGUST

Legal Description: Part Lot 20, Concession 6, Ellice Ward, Township of Perth East

Nature of Application: To create a new lot, together with an easement for shared wells, by severing a vacant 2654.7 square metre agricultural parcel for residential purposes, while retaining a vacant 22792 square metre agricultural parcel.

Trevor McNeil, agent for the applicant, was in attendance. He commented that the three applications are for creation of three new lots and that a servicing agreement would be entered into to deed the street to the Municipality. The reason for the easement is for a swale running between the Application B23 and B24 proposed lots. Mr. Hanly noted that these applications were before the previous Land Division Committee and that they had been deferred in order to deal with drainage issues. He said the key issue is the servicing because of the roadway, therefore, the applicant should enter into a consent servicing agreement with the Municipality. He also noted that the three applications are each requesting an easement for mutual wells and that an easement is required for a swale on B23 and B24. He questioned whether the covered drain on the rear portion of the lots is to be relocated and whether there is sufficient area for a building envelope and setbacks. Trevor McNeil replied that it was recently discovered that the drain also runs along the back of the lots to the east. Ian Forrest questioned whether the drainage engineer should check to see if the drain is functional. Mr. Hanly noted the drain is at the extreme south-end of the proposed lots and suggested that the Committee may wish not to include the easement for shared wells in its decision.

Moved by: Jim Aitcheson

Seconded by: Rhonda Ehgoetz

THAT Application B22/10 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 East that the parkland dedication fee has been paid.
4. Confirmation be received from the Township that a Zoning By-law Amendment has been approved to zone the severed property for the proposed residential development.
5. Confirmation be received from the Township that a Consent Servicing Agreement between the applicant and the Township has been entered into to address all of the applicable servicing and development to the satisfaction of the Township.
6. That confirmation be received from the Township that the apportionment schedule for the Wartburg Branch of the Centre Creek Drain as set out in the Johnson Engineering report of May 31, 1993 be updated to the satisfaction of the Township of Perth East in accordance with Section 65.1 of the Drainage Act R.S.O. to show the new development and that the applicant will be responsible for all costs associated with this re-apportionment.
7. An undertaking from a solicitor that the Deeds for Consent Application B22/10, B23/10, and B24/10 will be registered concurrently. **Carried.**

5.6 **File No.:** B23/10 – AMENDED (Deferred from November 29, 2010 to allow further review of drainage issues)

Name of Applicant: Barbara WILDGUST

Legal Description: Part Lot 20, Concession 6, Ellice Ward, Township of Perth East

Nature of Application: To create a new lot, together with an easement for shared wells and an easement in favour of the Township for drainage purposes, by severing a vacant 2854.2 square metre agricultural parcel for residential purposes, while retaining a vacant 19939.8 square metre agricultural parcel.

See comments for 5.5.

Moved by: Jim Aitcheson

Seconded by: Rhonda Ehgoetz

THAT Application B23/10 - AMENDED be granted provisional consent together with an easement for drainage purposes, 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 East that the parkland dedication fee has been paid.
4. Confirmation be received from the Township that a Zoning By-law Amendment has been approved to zone the severed property for the proposed residential development.
5. Confirmation be received from the Township that a Consent Servicing Agreement between the applicant and the Township has been entered into to address all of the applicable servicing and development to the satisfaction of the Township.
6. That confirmation be received from the Township that the apportionment schedule for the Wartburg Branch of the Centre Creek Drain as set out in the Johnson Engineering report of May 31, 1993 be updated to the satisfaction of the Township of Perth East in accordance with Section 65.1 of the Drainage Act R.S.O. to show the new development and that the applicant will be responsible for all costs associated with this re-apportionment.
7. An undertaking from a solicitor that the Deeds for Consent Application B22/10, B23/10, and B24/10 will be registered concurrently.
8. That an easement for drainage purposes in favour of the Township of Perth East be registered on the lands to be created through consent application B23/10 and B24/10 and that such easement be described on a reference plan. **Carried.**

5.7 **File No.:** B24/10 – AMENDED (Deferred from November 29, 2010 to allow further review of drainage issues)

Name of Applicant: Barbara WILDGUST

Legal Description: Part Lot 20, Concession 6, Ellice Ward, Township of Perth East

Nature of Application: To create a new lot, together with an easement for shared wells and an easement in favour of the Township for drainage purposes, by severing a vacant 2798.6 square metre agricultural parcel for residential purposes, while retaining a vacant 17141.2 square metre agricultural parcel.

See comments for 5.5.

Moved by: Bill French

Seconded by: Jim Aitcheson

THAT Application B24/10 - AMENDED be granted provisional consent together with an easement for drainage purposes, 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 East that the parkland dedication fee has been paid.
4. Confirmation be received from the Township that a Zoning By-law Amendment has been approved to zone the severed property for the proposed residential development.
5. Confirmation be received from the Township that a Consent Servicing Agreement between the applicant and the Township has been entered into to address all of the applicable servicing and development to the satisfaction of the Township.
6. That confirmation be received from the Township that the apportionment schedule for the Wartburg Branch of the Centre Creek Drain as set out in the Johnson Engineering report of May 31, 1993 be updated to the satisfaction of the Township of Perth East in accordance with Section 65.1 of the Drainage Act R.S.O. to show the new development and that the applicant will be responsible for all costs associated with this re-apportionment.
7. An undertaking from a solicitor that the Deeds for Consent Application B22/10, B23/10, and B24/10 will be registered concurrently.
8. That an easement for drainage purposes in favour of the Township of Perth East be registered on the lands to be created through consent application B23/10 and B24/10 and that such easement be described on a reference plan. **Carried.**

5.8 **File No.:** B16/10 – AMENDED (Deferred from August 9, 2010 to allow the applicant time to facilitate discussion with MTO)

Name of Applicant: Bradley and Patricia WEBER

Legal Description: Lots 13, 14 and 15, Part Lots 12 and 16, Registered Plan 278, North Easthope Ward, Township of Perth East (2234 Line 34) (Shakespeare)

Nature of Application: This consent application was deferred on August 9th, 2010 to allow the applicant time to facilitate discussion with the Ministry of Transportation. The MTO has advised they require a minimum of 31.5 metres for a commercial frontage in urban areas with a posted speed of 70km/h or less; therefore, the application has been revised to reflect this requirement.

The purpose of this application is to create a new lot by severing a vacant 1546 square metre parcel for commercial use, while retaining 2187 square metres with an existing house.

The applicant, Brad Weber, and his agent, Trevor McNeil, were in attendance. Mr. McNeil commented that the application is straight forward, noting that the purpose of the revised application is to satisfy the requirements of the Ministry of Transportation by amending the lot width to 31.5 metres. Mr. Hanly commented that the property designation permits commercial development and complies with the Perth East Zoning By-law.

Moved by: Rhonda Ehgoetz

Seconded by: Jim Aitcheson

THAT Application B16/10 - AMENDED 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). **Carried.**

5.9 **File No.:** B12/11

Name of Applicant: Christopher James and Nancy Ann ELLENS

Legal Description: Part Park Lot 38, Registered Plan 339, Mitchell Ward, Municipality of West Perth (109 Herbert Street)

Nature of Application: The applicants had previously submitted Application (B07/09) for the same purpose as this application. The application received provisional consent subject to a number of conditions on August 24, 2009. As the conditions had not been satisfied by the required date, the consent was deemed to have been refused and the file closed. As it is the applicant's desire to proceed with the matter, this new application has been submitted.

The purpose of Application B12/11 is to create a lot addition by severing a vacant 9286.4 square metre industrial zoned parcel to be added to abutting property owned by Whirl Creek Logistics, while retaining 7190.9 square metres with an existing house, pool and sheds.

The applicant's agent, Trevor McNeil, was in attendance. He noted that the previous Application B07/09 had lapsed, this being the reason for the new application. He also noted that the cemetery issues had been dealt with previously. Bill French made comment that he has a concern with a cemetery being on-site. He noted there is a good possibility there are bodies, possibly a family buried there and that one family member's remains had been exhumed ten years ago. He felt that any further digging should be supervised.

Moved by: Bill French

Seconded by: Jim Aitcheson

THAT Application B12/11 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 land to which the parcels are being joined, is the same as the transferee(s) in the said transfer.

4. That the area being severed be added to the abutting industrial parcel located to the north and south and the closed portion of St. Andrews Street 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 the 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 Municipality of West Perth of an approved Zoning By-law Amendment to zone the severed parcel for its intended industrial use.
8. That the proposed purchaser of the land to be severed enter into an agreement with the Municipality of West Perth acknowledging that a former burial site may exist on the subject property and that no building permit shall be applied for unless such application is accompanied by documentation satisfactory to the Municipality of West Perth confirming that no human remains exist in the area of the proposed building. Alternatively, should human remains exist in the area of the proposed building, the property owner shall be responsible for dealing with the human remains in an appropriate manner and in accordance with the applicable legislation and shall provide evidence to the Municipality of same. This agreement is to be registered on title and binding on current and subsequent land owners.
9. That the owner of the land to be retained enter into an agreement with the Municipality of West Perth acknowledging that a former burial site may exist on the subject property and that no building permit shall be applied for unless such application is accompanied by documentation satisfactory to the Municipality of West Perth confirming that no human remains exist in the area of the proposed building. Alternatively, should human remains exist in the area of the proposed building, the property owner shall be responsible for dealing with the human remains in an appropriate manner and in accordance with the applicable legislation and shall provide evidence to the Municipality of same. This agreement is to be registered on title and binding on current and subsequent land owners.
10. Confirmation be received from the Municipality of West Perth of an approved Site Plan Agreement to regulate the site conditions for the severed parcel.
11. Confirmation be received from the Municipality of West Perth that all taxes have been paid in full.
12. Confirmation be received from the Municipality of West Perth that all financial requirements of the Municipality have been satisfied. **Carried.**

6. REPORTS

Moved by: Mert Schneider
Seconded by: Bill French

THAT the August 15, 2011 report on new and pending applications, as amended to include Application B15/11 by Brian Knechtel, be approved. **Carried.**

7. CORRESPONDECE - None

8. OTHER BUSINESS

8.1 OACA 2011 Fall Seminar.

8.2 Dave Hanly advised the Committee that Bell Canada and local telephone companies would be contacted to ask if they require circulation of consent applications.

9. CLOSED MEETING – No Closed Meeting

10. REPORTING OUT FROM CLOSED MEETING

11. NEXT MEETING

Monday, November 7th, 2011.

12. ADJOURNMENT

Moved by: Jim Aitcheson
Seconded by: Mert Schneider

THAT the meeting adjourn at 11:30 a.m. **Carried.**

Leslie Belland, Secretary-Treasurer

Ian Forrest, Chairman