



COUNTY OF PERTH LAND DIVISION COMMITTEE

The County of Perth Land Division Committee met on Friday, February 3, 2012 at 9:30 a.m. in the Lower Boardroom at the County Court House, 1 Huron St., Stratford.

Committee Members Present:

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

Staff Present:

Dave Hanly (Acting Secretary-Treasurer)
Mathew Campbell (GIS/Planning Technician)

1. CALL TO ORDER

With quorum present, Chair Ian Forrest called the meeting to order at 9:32 a.m.

2. ELECTION OF OFFICERS AND APPOINTMENT OF OFFICIALS

Moved by Rhonda Ehgoetz and Seconded by Mert Schneider

That Ian Forrest be nominated as Chair for 2012
Call for further nominations for Chair: None

Moved by Jim Aitcheson and Seconded by Mert Schneider

That nominations be closed. **Carried.**

Moved by Ian Forrest and Seconded by Jim Aitcheson

That Mert Schneider be nominated as Vice Chair for 2012
Call for further nominations for Vice Chair: None

Moved by Rhonda Ehgoetz and Seconded by Jim Aitcheson

That nominations be closed. **Carried.**

Moved by Mert Schneider and Seconded by Jim Aitcheson

That Leslie Belland be appointed as Secretary-Treasurer for 2012. **Carried.**

Moved by Mert Schneider and Seconded by Rhonda Ehgoetz

That Geoff VanderBaaren be appointed as Deputy Secretary-Treasurer for 2012. **Carried.**

Moved by Jim Aitcheson and Seconded by Rhonda Ehgoetz

That Dave Hanly be appointed as Alternate Deputy Secretary-Treasurer for 2012. **Carried.**

3. ADOPTION OF AGENDA

Moved by: Jim Aitcheson
Seconded by: Rhonda Ehgoetz

THAT the Land Division Committee agenda for February 3, 2012 be approved. **Carried.**

4. DECLARATION OF PECUNIARY INTEREST

No Disclosure of Pecuniary Interest stated.

5. ADOPTION OF PREVIOUS MINUTES

Moved by: Mert Schneider
Seconded by: Rhonda Ehgoetz

THAT the minutes of the November 7, 2011 Land Division Committee meeting be approved. **Carried.**

6. HEARING OF APPLICATIONS FOR CONSENT

6.1 File No.: B23/11

Name of Applicant: KELLY & CO.

Owners: Bruce Ronald Schmidt and Sandra Schmidt

Legal Description: Part Lot 30, Concession 5 and 6, South Easthope Ward, Township of Perth East (3475 Road 109)

Nature of the Application: Currently, there exists an easement on Part Lot 30, Concession 6, in favour of Lot 29, Concession 6, which provides for right of ingress and egress for persons, livestock and vehicles with a further right to maintain or effect current and future access to utilities including, but not limited to hydro, telephone, gas, water, cable television and sewage.

As a new driveway has been constructed on Lot 29, Concession 6 with access to Perth Line 26, the purpose of this application is to grant partial release of the right of ingress and egress over Lot 29, Concession 6, while retaining the easement related to utilities.

Paul Epp was in attendance on behalf of the applicant. He had no comments. Dave Hanly indicated that the application was straight forward from a planning perspective.

Moved by: Jim Aitcheson
Seconded by: Mert Schneider

THAT Application B23/11 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). **Carried.**

6.2 File No.: B27/11

Name of Applicant: TIMMERMANS ELEVATORS LTD.

Legal Description: Lot 34, Concession 3, Ellice Ward, Township of Perth East (5334 Line 36)

Nature of the Application: To create a new lot by severing a 7.88 hectare commercial parcel with an existing house and grain storage while retaining a vacant 41.36 hectare agricultural parcel.

The owner/applicant, Andy Timmermans, was in attendance. Dave Hanly referred to the previous application (B21/89), specifically the agreement regarding no further severances and provided the Planning Department opinion on same. Mr. Timmermans asked for clarification on amending the existing agreement and Dave Hanly replied that it would be the applicant's responsibility to do this and that it likely would involve engaging a solicitor. Mr. Timmermans had no objection to residence restriction on the remnant parcel. Dave Hanly explained to the applicant the process for fulfilling conditions, making specific mention of the wording of conditions 5 and 6. He commented that the application appears to be appropriate.

Moved by: Rhonda Ehgoetz
Seconded by: Jim Aitcheson

THAT Application B27/11 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. Confirmation be received from the Township of Perth East of an approved Zoning By-law Amendment to zone the severed property to allow for expansion of the existing business.
4. Confirmation be received from the Township of Perth East of an approved Zoning By-law Amendment to zone the retained property to prohibit the construction of any dwellings.
5. Confirmation be received from a solicitor that the Agreement on Title between "Timmermans" and the County of Perth Land Division Committee, restricting further severance of the subject property, has been amended by releasing the subject 100 acre property described as Lot 34, Concession 3, Ellice Ward, Township of Perth East, from the Agreement.
6. Confirmation be received from the Township of Perth East that amending the Agreement on Title between "Timmermans" and the County of Perth Land Division Committee to release the subject 100 acre property described as Lot 34, Concession 3, Ellice Ward, Township of Perth East, from the Agreement is to their satisfaction. **Carried.**

6.3 File No.: B19/11

Name of Applicant: Sandeep CHAHAL

Owners: Kulwant and Sandeep Chahal

Legal Description: Lot 3, Registered Plan 550, South Easthope Ward Township of Perth East (3988 Wilson Street, Shakespeare)

Nature of Application: To create a new lot by severing a vacant 798 square metre parcel for residential purposes while retaining a 903.8 square metre parcel with an existing single family dwelling.

The applicant's husband, Kulwant Chahal, was in attendance. Dave Hanly noted that the application is for an infill lot and that it complies with the Official Plan. Mr. Chahal asked if he had to connect to the municipal water supply. Mr. Hanly replied by reading the proposed condition regarding water supply, which condition required that water supply be from the municipal water system or from a shared well.

Moved by: Mert Schneider
Seconded by: Rhonda Ehgoetz

THAT Application B19/11 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. Confirmation be received from the Township of Perth East that the parkland dedication fee has been paid.
4. That confirmation be received from the Township of Perth East that the severed lot can be connected to the municipal water system, or alternatively an Undertaking be received from the applicant that water will be supplied to the severed property by means of a shared well.
Carried.

6.4 File No.: B22/11

Name of Applicant: BELL CANADA

Owner: 1111971 Ontario Ltd. (Wayne Snyders)

Legal Description: Lot 16, Concession 10, Logan Ward, Municipality of West Perth (4994 Road 164)

Nature of Application: The applicant is requesting an easement for access and maintenance over a 10.0 metre by 8.0 metre (80 square metres) area in the north west corner of the subject property. Bell Canada has a facility for their equipment on this property.

The applicant's agent, Jessica Ennis of Sorbara Law, was in attendance. She had no comments. Jim Aitcheson asked for confirmation that the application was for an easement as opposed to a severance and Dave Hanly confirmed that it was. Mr. Aitcheson also asked what type of equipment was at the site. It appears to be "repeater" equipment. Dave Hanly commented that the application for easement was straight forward. In reference to the MTO comments, he noted that it would be the applicant's responsibility to let the owner know of the MTO comments and said that he would e-mail Jessica Ennis a copy of the MTO letter.

Moved by: Mert Schneider
Seconded by: Rhonda Ehgoetz

THAT Application B22/11 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. 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 of the Municipality have been satisfied, if any. **Carried.**

6.5 File No.: B24/11 and B25/11

Name of Applicant: John and Charlene WITT

Legal Description: Part Lots 13 and 14, Plan 295, Blanshard Ward, Township of Perth South (4468 Line 3)

Nature of Application: To create two new lots by severing a 2626 square metre vacant residential parcel (B24/11) and a 4479 square metre vacant residential parcel (B25/11) while retaining a 7170 square metre parcel with an existing house.

Both B24/11 and B25/11 consent applications were heard together. Peter Moreton from NA Geomatics, agent for the applicants, was in attendance. He had the following comments:

- that a gas line serving the existing dwelling would be moved as per Union Gas requirements
- the applicants have contacted an environmental consulting firm and a methane gas study will be done to MOE's satisfaction. Mr. Moreton noted that this is an important requirement and that a report is expected soon.
- there may be a need for further discussion of proposed condition #7 as rules are changing regarding what types of agreements/notices can be registered on title.
- that the well agreement applies only to the retained lot and the B25/11 lot. The well is actually on the B25/11 lot.

Jim Aitcheson noted that a methane gas study was done for the two lots across the road (Line 3). Mr. Mike Grover, who owns property across the street from the subject property was in attendance. He was interested in knowing if the 40' wide easement along the east side of his lot next to the County Road would impact the ability to locate a house on the lot to be severed by B24/11. Peter Moreton advised that the 40' easement does not extend north of Line 3 and showed the Committee and Mr. Grover a 44R survey plan indicating this. Dave Hanly pointed out the distinction between the proposed condition #6 for B24/11 and the proposed condition #6 for B25/11. He also referred to the recent OPA approval for the subject property and indicated that the severance proposal conforms to the County Official Plan.

Moved by: Rhonda Ehgoetz

Seconded by: Mert Schneider

THAT Application B24/11 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. Confirmation be received from the Township that the proposed new lot is suitable for installation of a sewage system.
4. Confirmation be received from the Township of an approved Zoning By-law Amendment to the satisfaction of the Township of Perth South.

5. Confirmation be received that a study has been completed to address the presence and impact of any adverse effects or risks to health and safety, as well as the necessary remedial measures taken to allow for the development (to the satisfaction of the Ontario Ministry of Environment). The report must examine the potential for impact on the subject lands from landfill gas and leachate from the neighbouring landfill as per Guideline D-4 – Land Use On Or Near Landfills and Dumps.
6. An Undertaking be received from the applicants that they will seek approval in accordance with County standards from the Perth County Public Roads Department for any new entrances onto a County road.
7. Confirmation be received from a solicitor that notification has been registered on title of the new lot to inform the proponents and all future owners that the lot is in close proximity to an active and growing municipal landfill site that will impact the said lot. **Carried.**

Moved by: Jim Aitcheson
Seconded by: Rhonda Ehgoetz

THAT Application B25/11 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. Confirmation be received from the Township that the proposed new lot is suitable for installation of a sewage system.
4. Confirmation be received from the Township of an approved Zoning By-law Amendment to the satisfaction of the Township of Perth South.
5. Confirmation be received that a study has been completed to address the presence and impact of any adverse effects or risks to health and safety, as well as the necessary remedial measures taken to allow for the development (to the satisfaction of the Ontario Ministry of Environment). The report must examine the potential for impact on the subject lands from landfill gas and leachate from the neighbouring landfill as per Guideline D-4 – Land Use On Or Near Landfills and Dumps.
6. An Undertaking be received from the applicants that a well agreement between the owners of the proposed lot and the retained lot will be entered into.
7. Confirmation be received from a solicitor that notification has been registered on title of the new lot to inform the proponents and all future owners that the lot is in close proximity to an active and growing municipal landfill site that will impact the said lot. **Carried.**

- 6.6 File No.:** B20/11 and B21/11 (Amended)
Name of Applicant: 2161453 ONTARIO INC.
Legal Description: Lots 34 and 35, Registered Plan No. 476, Mitchell Ward, Municipality of West Perth (43 and 41 Eleanor Street, Mitchell)

Nature of Application:

B20/11 – To create a new lot by severing a vacant 234.3 square metre residential parcel, while retaining a vacant 517.7 square metre parcel for residential purposes, subject to a 6 metre wide easement for sanitary sewer purposes along the west side of the lot in favour of the Municipality of West Perth and a 4.0 metre wide easement for sanitary sewer purposes along the north side of the lot in favour of the abutting lot to the east. The owner proposes to combine the severed portion with 7.5 metres of the westerly part of Lot 35 to create a new residential lot.

B21/11 (Amended) – To create a new lot by severing a vacant 257.3 square metre residential parcel together with a 4.0 metre wide easement for sanitary services along the north side of the lot in favour of the abutting lot to the west while retaining a vacant 489.3 square metre parcel for residential purposes. The owner proposes to combine the severed portion with 7.5 metres of the easterly part of Lot 34 to create a new residential lot.

Dave Hanly read a request from the applicant's agent/solicitor, Andrew Phillips, to defer the applications given that Mr. Phillips would be out of the country on February 3rd and that the notice signs were not posted on the subject properties in time to meet the 14 day posting requirement prior to a meeting.

Moved by: Mert Schneider

Seconded by: Jim Aitcheson

THAT Applications B20/11 and B21/11 (Amended) be deferred until the next meeting of the Land Division Committee. **Carried.**

6.7 File No.: B26/11

Name of Applicant: Jason and Alana MCNICHOL

Owners: Gordon and Lois Carter

Legal Description: Part Lot 25, Concession 6, South Easthope Ward, Township of Perth East (984989 Perth Oxford Road)

Nature of Application: To create a lot addition by severing a 2432.0 square metre parcel of land to be added to the abutting parcel owned by Jason and Alana McNichol, while retaining 41.15 hectares with an existing two storey house and two sheds. The severed portion contains the septic tank and bed for the abutting McNichol property and it is the McNichol's wish to have full control to service their septic system.

The applicant, Jason McNichol, and his agent/solicitor Kathryn Ritsma, were in attendance. Ian Forrest noted that the property is in Perth East, not Perth South as noted on the agenda. Kathryn Ritsma explained that the septic tank and weeping tile serving the McNichol lot is situated on the Carter lot and that the purpose of the application is simply to sever the septic tank/weeping bed area to add to the McNichol lot, thereby giving the McNichols control over same. The Carters are willing to sell the severed area to the McNichols. Dave Hanly commented that it is a straight forward application.

Moved by: Jim Aitcheson

Seconded by: Rhonda Ehgoetz

THAT Application B26/11 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. That confirmation be received that the severed lands have been rezoned to the satisfaction of the Township of Perth East.
4. 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.
5. That the area being severed be added to the abutting lot owned by Jason and Alana McNichol 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.
6. 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.
7. An undertaking from a solicitor that the parcels will be consolidated under Land Titles onto one P.I.N. **Carried.**

7. REPORTS

The February 3, 2012 report on new and pending applications was reviewed.

Moved by: Mert Schneider
Seconded by: Rhonda Ehgoetz

THAT the February 3, 2012 report on new and pending applications be approved. **Carried.**

8. CORRESPONDECE – None

9. APPEALS

In regards to Consent Application B12/11 by Christopher and Nancy Ellens and their appeal to the OMB of conditions 8 and 9 of their provisional consent, Dave Hanly provided the Land Division Committee with a summary of happenings, and the subsequent withdrawal of their appeal.

10. OTHER BUSINESS

10.1 2012 OACA Memberships for Chair and Secretary Treasurer:

Moved by: Jim Aitcheson
Seconded by: Mert Schneider

That Ian Forrest and Leslie Belland continue their membership in OACA for 2012. **Carried.**

10.2 Land Division Committee 2012 meeting dates:

The Land Division Committee members agreed with the suggestion that the Committee have a set meeting date every second month. Monday mornings work best for Land Division Committee members. A proposed meeting date list to be prepared and presented at the next meeting.

10.3 Proposed wording for transfer/deed conditions was reviewed. The Land Division Committee members questioned how we would deal with this if a survey was not required? Dave Hanly referred to the second part of the conditions. The Committee asked if this requirement would result in an additional cost to the applicant. Both Dave Hanly and Matt Campbell noted that surveyors currently prepare surveys in an electronic form, so there should not be any significant additional costs.

Moved by: Rhonda Ehgoetz
Seconded by: Mert Schneider

That the Land Division Committee start using the new transfer/deed condition wording with future decisions of the Committee. **Carried.**

10.4 Budget Review:

Dave Hanly noted that the 2012 budget for the Land Division Committee is included in the 2012 budget material before County Council. He noted further that he would be proposing no reductions during County Council review of the Land Division Committee budget.

11. CLOSED MEETING – No Closed Meeting**12. REPORTING OUT FROM CLOSED MEETING – N/A****13. NEXT MEETING**

Monday, March 12th or 26th, 2012. Leslie to notify Land Division Committee members early next week.

14. ADJOURNMENT

Moved by: Mert Schneider
Seconded by: Jim Aitcheson

THAT the meeting adjourn at 11:14 a.m. **Carried.**

Dave Hanly, Deputy Secretary-Treasurer

Ian Forrest, Chairman