



COUNTY OF PERTH LAND DIVISION COMMITTEE

The County of Perth Land Division Committee met on Monday, March 12, 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)
Bill French
Jim Aitcheson
Rhonda Ehgoetz

Staff Present:

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

1. CALL TO ORDER

With quorum present, Ian Forrest called the meeting to order at 9:31 a.m.

2. ADOPTION OF AGENDA

Moved by: Mert Schneider
Seconded by: Jim Aitcheson

THAT the Land Division Committee agenda for March 12, 2012 be approved. **Carried.**

3. DECLARATION OF PECUNIARY INTEREST

No Disclosure of Pecuniary Interest stated.

4. ADOPTION OF PREVIOUS MINUTES

Moved by: Rhonda Ehgoetz
Seconded by: Jim Aitcheson

THAT the minutes of the February 3, 2012 Land Division Committee meeting be approved. **Carried.**

5. HEARING OF APPLICATIONS FOR CONSENT

5.1 File No.: B20/11 and B21/11 (Amended) (Deferred from Feb. 3rd LDC)

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.

Andrew Phillips, solicitor for the applicant, was in attendance. He presented the applications, and indicated the location of the easement on the aerial photo. In regards to the neighbour's (Jim and Stephanie Crowley) concerns about the creation of smaller lot sizes on the north side of Eleanor Street, he commented that this is not uncommon. He encouraged the Committee members to take advice from the Planner's report. He also commented that the severances would be compatible with the neighbourhood and that this is an example of infilling in the neighbourhood. Dave Hanly reinforced the Planning report comments. He said that the proposed lot sizes are consistent with neighbouring lots and that the Mitchell Ward Official Plan speaks in a favourable manner to infilling.

Moved by: Jim Aitcheson
Seconded by: Bill French

THAT Application B20/11 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. The Committee being provided with an electronic file containing the digital plotting of the description under the provision of the Registry Act or Land Titles Act, including the textual description of file format, map standards used, scale, and location information such as lot, concession and municipality in a geocoded Autocad.dxf format. Alternatively, the Committee being provided with an Order pursuant to Section 150 of the Land Titles Act, R.S.O. 1990 or Section 80 of the Land Registry Act, R.S.O. 1990 issued by a Land Registrar exempting the transfer from the requirement that a reference plan be deposited.
4. Confirmation be received from the Municipality of West Perth that all taxes have been paid in full.
5. Confirmation be received from the Municipality of West Perth that all financial requirements of the Municipality have been satisfied.
6. Confirmation from the Municipality of West Perth of an approved Zoning By-law Amendment to place both the severed and retained parcels in the appropriate zone classification.

7. 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.
8. That the area being severed be added to the abutting parcel being severed under B21/11 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.
9. 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.
10. An undertaking from a solicitor that the parcels will be consolidated under Land Titles onto one P.I.N.
11. A solicitor's undertaking that the Deeds for Consent Application B20/11 and B21/11 will be registered concurrently. **Carried.**

Moved by: Rhonda Ehgoetz
Seconded by: Mert Schneider

THAT Application B21/11 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. The Committee being provided with an electronic file containing the digital plotting of the description under the provision of the Registry Act or Land Titles Act, including the textual description of file format, map standards used, scale, and location information such as lot, concession and municipality in a geocoded Autocad.dxf format. Alternatively, the Committee being provided with an Order pursuant to Section 150 of the Land Titles Act, R.S.O. 1990 or Section 80 of the Land Registry Act, R.S.O. 1990 issued by a Land Registrar exempting the transfer from the requirement that a reference plan be deposited.
4. Confirmation be received from the Municipality of West Perth that all taxes have been paid in full.
5. Confirmation be received from the Municipality of West Perth that all financial requirements of the Municipality have been satisfied.
6. Confirmation from the Municipality of West Perth of an approved Zoning By-law Amendment to place both the severed and retained parcels in the appropriate zone classification.

7. 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.
8. That the area being severed be added to the abutting parcel being severed under B20/11 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.
9. 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.
10. An undertaking from a solicitor that the parcels will be consolidated under Land Titles onto one P.I.N.
11. A solicitor's undertaking that the Deeds for Consent Application B21/11 and B20/11 will be registered concurrently.
12. Confirmation be received from the applicant/solicitor that the existing easement at the rear (northerly) portion of Lot 34, Registered Plan No. 476 will provide for a sanitary outlet for the retained parcel of Application B21/11. **Carried.**

5.2 File No.: B01/12

Name of Applicant: Donna WILLOWS

Legal Description: Part Lot 6, Concession 8, Fullarton Ward, Municipality of West Perth (3214 Road 145)

Nature of the Application: For a correction of title by severing 734.4 square metres of vacant agricultural land as a lot addition to the abutting existing residential parcel owned by Ben Koert, while retaining 19 hectares of agricultural land with an existing shed. This application is being dealt with concurrently with Consent Application B02/12 by Ben Koert.

Trevor McNeil, agent for the applicant, was in attendance. He explained the purpose of the applications noting it is basically for a land swap. Dave Hanly commented that there is no new building lot proposed and that the existing legal non-conforming status is being changed. On behalf of Donna Willows, Mr. McNeil requested that the Committee consider waiving one of the application fees. The Secretary-Treasurer was directed to research if there have been previous application fee waivers and to report back to the Committee at the next Land Division Committee meeting.

Moved by: Mert Schneider

Seconded by: Bill French

THAT Application B01/12 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. The Committee being provided with an electronic file containing the digital plotting of the description under the provision of the Registry Act or Land Titles Act, including the textual description of file format, map standards used, scale, and location information such as lot, concession and municipality in a geocoded Autocad.dxf format. Alternatively, the Committee being provided with an Order pursuant to Section 150 of the Land Titles Act, R.S.O. 1990 or Section 80 of the Land Registry Act, R.S.O. 1990 issued by a Land Registrar exempting the transfer from the requirement that a reference plan be deposited.
4. Confirmation be received from the Municipality of West Perth that all taxes have been paid in full.
5. Confirmation be received from the Municipality of West Perth that all financial requirements of the Municipality have been satisfied.
6. Confirmation from the Municipality of West Perth of an approved Zoning By-law Amendment to recognize the changed status of the subject property (Willows) and the changed status of the property to which the severed parcel is to be added (Koert).
7. 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.
8. That the area being severed be added to the abutting lot owned by Ben Koert 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.
9. 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.
10. An undertaking from a solicitor that the parcels will be consolidated under Land Titles onto one P.I.N.
11. A solicitor's undertaking that the Deeds for Consent Application B01/12 and B02/11 will be registered concurrently. **Carried.**

5.3 File No.: B02/12

Name of Applicant: Ben KOERT

Legal Description: Part Lot 6, Concession 8, Fullarton Ward, Municipality of West Perth (Road 145)

Nature of the Application: For a correction of title by severing 734.4 square metres of vacant residential land as a lot addition to the abutting existing agricultural parcel owned by Donna Willows, while retaining 6255.7 square metres of residential land with an existing dwelling. This application is being dealt with concurrently with Consent Application B01/12 by Donna Willows.

(Comments are the same as above for B01/12 – Willows)

Moved by: Jim Aitcheson
Seconded by: Rhonda Ehgoetz

THAT Application B02/12 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. The Committee being provided with an electronic file containing the digital plotting of the description under the provision of the Registry Act or Land Titles Act, including the textual description of file format, map standards used, scale, and location information such as lot, concession and municipality in a geocoded Autocad.dxf format. Alternatively, the Committee being provided with an Order pursuant to Section 150 of the Land Titles Act, R.S.O. 1990 or Section 80 of the Land Registry Act, R.S.O. 1990 issued by a Land Registrar exempting the transfer from the requirement that a reference plan be deposited.
4. Confirmation be received from the Municipality of West Perth that all taxes have been paid in full.
5. Confirmation be received from the Municipality of West Perth that all financial requirements of the Municipality have been satisfied.
6. Confirmation from the Municipality of West Perth of an approved Zoning By-law Amendment to recognize the changed status of the subject property (Koert) and the changed status of the property to which the severed parcel is to be added (Willows).
7. 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.
8. That the area being severed be added to the abutting lot owned by Donna Willows 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.
9. 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.
10. An undertaking from a solicitor that the parcels will be consolidated under Land Titles onto one P.I.N. **Carried.**

5.4 File No.: B28/11**Name of Applicant:** MO DEVELOPMENTS INC.**Owner:** Nichol Properties Inc.**Legal Description:** Part Lot 30, Concession 1, Elma Ward, Municipality of North Perth**Nature of the Application:** To create a 5.0 metre wide x 112.78 metre deep easement over Part of Lot 30, Concession 1 for the purpose of storm water management from abutting development to the south east. The easement will provide a storm water outlet to the Nichol Municipal Drain located on Lot 29, Concession 1.

Mark Eplett was in attendance to represent MO Developments Inc. He explained the purpose of the application and the need for the easement. Dave Hanly noted that the easement is strictly for stormwater purposes, that no new lot is proposed, and that the application is straight forward. Mert Schneider questioned whether a drainage engineer had been consulted to check the drainage and Mr. Eplett replied that WMI Engineering had been consulted.

Moved by: Mert Schneider**Seconded by:** Jim Aitcheson

THAT Application B28/11 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. The Committee being provided with an electronic file containing the digital plotting of the description under the provision of the Registry Act or Land Titles Act, including the textual description of file format, map standards used, scale, and location information such as lot, concession and municipality in a geocoded Autocad.dxf format. Alternatively, the Committee being provided with an Order pursuant to Section 150 of the Land Titles Act, R.S.O. 1990 or Section 80 of the Land Registry Act, R.S.O. 1990 issued by a Land Registrar exempting the transfer from the requirement that a reference plan be deposited. **Carried.**

5.5 File No.: B29/11 – AMENDED**Name of Applicant:** CANADIAN TIRE REAL ESTATE LIMITED**Legal Description:** Part Lot 31, Concession 1, Listowel Ward, Municipality of North Perth (500 Mitchell Ave. S.)**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 agent, Harry Froussios from Zelinka Priamo, was in attendance. He commented that his clients feel they can deal with the access issue one way or another and that they will seek approval from the Ministry of Transportation. He said that the purchaser owns abutting lands to the north. Mr. Hanly noted that the zoning for the subject property is subject to permitted uses as outlined for Highway Commercial C3-16 in the North Perth Zoning By-law. In regards to MTO's letter stating that access will not be permitted onto the highway, Mr. Hanly commented that he felt it would be premature to approve the application,

and recommended that the application be deferred. Also in attendance at the meeting was one of the abutting property owners, Dave Meulenstein. He commented that it was their intention to develop the property with a national retail chain and that they would require highway access and that they would be willing to wait to co-operate with MTO in the future. Mr. Hanly suggested that a holding zone be put in place that would prevent development of the subject property until the access issue is resolved. Both parties were agreeable to the holding zone rather than a deferral of the application. Mert Schneider asked whether the property would become landlocked and Mr. Hanly replied that there would be access to Nelson Street, however, highway access would be required for a national brand chain. Bill French asked whether there would also be access to Kincaid Street and Mr. Hanly replied that there is. Ian Forrest commented that MTO approvals can be very slow and he would agree that a holding zone for safety measures for property owners on Nelson Street would be appropriate.

Moved by: Jim Aitcheson
Seconded by: Mert Schneider

THAT Application B29/11-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).
3. The Committee being provided with an electronic file containing the digital plotting of the description under the provision of the Registry Act or Land Titles Act, including the textual description of file format, map standards used, scale, and location information such as lot, concession and municipality in a geocoded Autocad.dxf format. Alternatively, the Committee being provided with an Order pursuant to Section 150 of the Land Titles Act, R.S.O. 1990 or Section 80 of the Land Registry Act, R.S.O. 1990 issued by a Land Registrar exempting the transfer from the requirement that a reference plan be deposited.
4. Confirmation be received from the Municipality of North Perth that all financial requirements of the Municipality have been satisfied.
5. Confirmation be received from the Municipality of North Perth that a Zoning By-law has been passed and is in force for the purpose of establishing a "Holding" provision on the zoning of the land to be severed, which "Holding" provision shall stipulate that no development shall occur and no building permit shall be issued for development on the subject property until such time that a suitable and acceptable means of access to the proposed development has been approved by the appropriate regulatory authorities. This "Holding" provision is to remain in place until such time that a suitable and acceptable means of access to the proposed development has been approved by the appropriate regulatory authorities. **Carried.**

6. REPORTS

- 6.1 The March 12, 2012 report on new and pending applications was reviewed. The Secretary-Treasurer was directed to write to the Henrys regarding the need to either withdraw or circulate their Applications B16/08 and B17/08 that have been on hold since 2008.

No motion obtained.

7. CORRESPONDENCE – None

8. APPEALS - None

9. OTHER BUSINESS

- 9.1 Land Division Committee 2012 meeting dates:

Moved by: Jim Aitcheson
Seconded by: Bill French

That the remaining 2012 Land Division Committee meeting dates be held on May 14th, July 9th, September 10th, and November 12th. **Carried.**

- 9.2 2012 OACA Spring Conference

Moved by: Bill French
Seconded by: Mert Schneider

That Leslie Belland be permitted to attend the 2012 OACA Spring Conference in Burlington from June 3rd to 6th. **Carried.**

10. CLOSED MEETING – No Closed Meeting

11. REPORTING OUT FROM CLOSED MEETING – N/A

12. NEXT MEETING

Monday, May 14th, 2012.

14. ADJOURNMENT

Moved by: Mert Schneider
Seconded by: Rhonda Ehgoetz

THAT the meeting adjourn at 10:55 a.m. **Carried.**