



## COUNTY OF PERTH LAND DIVISION COMMITTEE

The County of Perth Land Division Committee met on Monday, May 14, 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 9:30 a.m.

### **2. ADOPTION OF AGENDA**

**Moved by: Mert Schneider**  
**Seconded by: Rhonda Ehgoetz**

THAT the Land Division Committee agenda for May 14, 2012 be approved. **Carried.**

### **3. DECLARATION OF PECUNIARY INTEREST**

No Disclosure of Pecuniary Interest stated.

### **4. ADOPTION OF PREVIOUS MINUTES**

**Moved by: Jim Aitcheson**  
**Seconded by: Bill French**

THAT the minutes of the March 12, 2012 Land Division Committee meeting be approved. **Carried.**

### **5. HEARING OF APPLICATIONS FOR CONSENT**

5.1 **File No.:** B03/12

**Name of Applicant:** James and Dorothy MCFADDEN

**Legal Description:** Part Park Lot 89, Registered Plan 341, Mitchell Ward, Municipality of West Perth (27 and 21 Arthur Street S.)

**Nature of Application:**

To create a new lot by severing a 3151.28 square metre industrial parcel with an existing welding shop while retaining a 3151.165 square metre parcel with an existing house, shed, and out buildings.

Jamie McFadden , applicant, was present at the meeting. Dave Hanly commented that the proposed conditions cover the issues that relate to the application. Rhonda Ehgoetz questioned the water and sewage hookup for the welding shop and Mr. McFadden replied that the connection is in place.

**Moved by: Jim Aitcheson**

**Seconded by: Bill French**

THAT Application B03/12 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 zone the severed parcel for its intended industrial use.
7. Confirmation from the Municipality of West Perth that the retained property has been connected to the municipal water and sanitary sewer service.
8. Confirmation be received from the Municipality of West Perth that the refuse, waste, vehicles and debris located on both the severed and retained parcels has been removed and that the property has been restored in accordance with the approved Site Plan Agreement. **Carried.**

**5.2 File No.: B04/12**

**Name of Applicant:** James and Joan NICHOLS

**Legal Description:** Lot 21 and Part Lot 22, Concession 4, Fullarton Ward, Municipality of West Perth (5828 Line 29)

**Nature of the Application:**

To create a new lot by severing a 100 acre agricultural parcel with an existing house, shed, and barn, while retaining 98 acres with an existing barn and coverall. Both the severed and retained portions are subject to a hydro electric power commission easement along the north side of each lot.

James and Joan Nichols were in attendance. Dave Hanly commented that it was a straight forward application.

**Moved by: Mert Schneider**  
**Seconded by: Ronda Ehgoetz**

THAT Application B04/12 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. **Carried.**

**5.3 File No.: B10/12 and B11/12****Name of Applicant:**

B10/12 – David CARLBERG and Marlene RICHARDSON

B11/12 – David CARLBERG

**Legal Description:**

B10/12 – Lot 9, Registered Plan 295, Blanshard Ward, Township of Perth South (1738 Perth Road 123)

B11/12 – Lot 8, Registered Plan 295, Blanshard Ward, Township of Perth South (1738 Perth Road 123)

**Nature of the Application:**

B10/12 – To create a lot addition by severing a vacant 655.5 square metre parcel from Lot 9, Registered Plan 295, to be added to Lot 8, Registered Plan 295 owned by David Carlberg, together with an 8.019 metre wide x 102.49 metre long easement for ingress and egress purposes over Lot 9, Registered Plan 295 in favour of Lot 8, Registered Plan 295, while retaining a 7483 square metre parcel with an existing house and garage.

B11/12 – To create a lot addition by severing a 4471 square metre parcel with a metal shed from Lot 8, Registered Plan 295, to be added to Lot 9, Registered Plan 295 owned by David Carlberg and Marlene Richardson, while retaining a 3633 square metre parcel with an existing stone house.

Trevor McNeil, agent for the applicant, was in attendance. Dave Hanly referred to the aerial photo to give further clarification of the purpose of the applications. Trevor McNeil explained the applications referring specifically to the side yard and easement. He commented that approval of the applications would legalize the existing right-of-way.

**Moved by: Jim Aitcheson**  
**Seconded by: Rhonda Ehgoetz**

THAT Application B10/12 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 Township of Perth South that all financial requirements of the Township have been satisfied.
5. Confirmation from the Township of Perth South of an approved Zoning By-law Amendment to recognize the reduced frontage of the retained lot.
6. A solicitor's undertaking that a Right-of-Way document indicating that a right-of-way over the existing laneway in favour of the Carlberg land for access will be registered on title.
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 David Carlberg and Marlene Richardson 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.**

**Moved by: Bill French**  
**Seconded by: Jim Aitcheson**

THAT Application B11/12 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 Township of Perth South that all financial requirements of the Township have been satisfied.
5. Confirmation from the Township of Perth South of an approved Zoning By-law Amendment to recognize the reduced frontage of the retained lot.
6. 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.
7. That the area being severed be added to the abutting lot owned by David Carlberg 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.
8. 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.
9. An undertaking from a solicitor that the parcels will be consolidated under Land Titles onto one P.I.N.

#### 5.4 File No.: B12/12

**Name of Applicant:** Andy THALEN

**Owners:** Jacob and Maria Duif

**Legal Description:** Part Lots 41, 42, 43 and 44, Concession 1, Elma Ward, Municipality of North Perth (1010 Tremaine Avenue)

**Nature of the Application:** To create a lot addition by severing 27.2 hectares of vacant agricultural land to be added to the abutting Part Lots 42, 43 and 44, Concession 1, Elma Ward, owned by Hugh Haverkamp, while retaining 8.5 hectares with an existing house, barns, sheds, and a quonset. The subject property is subject to an easement for hydro purposes.

The applicant, Andy Thalen, and his lawyer David Dickey, were in attendance. Dave Hanly informed the Committee that Perth County Council dealt with this issue previously by approving OPA No. 118 which made provision for relocation of the business. He mentioned that there are a number of proposed conditions, one of which is that the area to the north be cleaned up. Bill French commented that he is not opposed to the application, but that the Municipality of West Perth has a concern and asked that his comment be recorded. He stated "This is a fly in the face of the surplus farmhouse severances not being allowed". Dave Hanly replied that this proposal is a commercial venture.

**Moved by:** Mert Schneider

**Seconded by:** Jim Aitcheson

THAT Application B12/12 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 North Perth that all financial requirements of the Municipality have been met (if any).
5. Confirmation from the Municipality of North Perth of an approved Zoning By-law Amendment to recognize the proposed farm-related commercial use.
6. Confirmation from the Municipality of North Perth that a Site Plan Agreement has been entered into for the proposed farm-related commercial use.

7. Confirmation from the Municipality of North Perth that the proposed purchaser of the retained land has entered into an agreement with the Municipality of North Perth that will include an appropriate security to the satisfaction of the Municipality, to ensure that the equipment and storage areas for the existing business to the north of the subject property be removed and cleaned up to the satisfaction of the Municipality.
8. Confirmation from the Municipality of North Perth that a change of use permit has been issued for conversion of the existing poultry barn to storage for the proposed business.
9. 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.
10. That the area being severed be added to the abutting lot owned by Hugh Haverkamp and that Section 50(3) or (5) of the Planning Act, 1990 shall apply to any subsequent conveyance or transaction of the severed and/or retained parcel and the Certificate under Section 53(42) shall contain reference to this stipulation.
11. 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.
12. An undertaking from a solicitor that the parcels will be consolidated under Land Titles onto one P.I.N. **Carried.**

## 6. REPORTS

- 6.1 The May 14, 2012 report on new and pending applications was reviewed.

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

THAT the May 14, 2012 report on new and pending applications be approved. **Carried.**

## 7. CORRESPONDECE – None

## 8. APPEALS - None

## 9. OTHER BUSINESS

- 9.1 Request for refund of application fee (B01/12 – Donna Willows)

**Moved by: Mert Schneider**  
**Seconded by: Rhonda Ehgoetz**

That the request for a refund of application fee for Application B01/12 by Donna Willows be denied. **Carried.**

**9.2 Land Division Committee 2012 meeting dates:**

**Moved by: Jim Aitcheson**  
**Seconded by: Rhonda Ehgoetz**

That the remaining 2012 Land Division Committee meeting dates be changed to July 11<sup>th</sup>, September 12<sup>th</sup>, and November 16<sup>th</sup>. **Carried.**

**9.3 2012 OACA Fall Seminar**

**Moved by: Jim Aitcheson**  
**Seconded by: Rhonda Ehgoetz**

That information regarding the 2012 OACA Fall Seminar be received for information purposes. **Carried.**

**9.4 Ellens Appeal to the OMB**

The Secretary-Treasurer informed the Committee that the legal fees for the Ellens appeal to the OMB totalled \$1,293.85.

**10. CLOSED MEETING – No Closed Meeting**

**11. REPORTING OUT FROM CLOSED MEETING – N/A**

**12. NEXT MEETING**

Wednesday, July 11<sup>th</sup>, 2012.

**14. ADJOURNMENT**

**Moved by: Mert Schneider**  
**Seconded by: Bill French**

THAT the meeting adjourn at 10:50 a.m. **Carried.**

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Leslie Belland, Secretary-Treasurer

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Ian Forrest, Chairman