



## COUNTY OF PERTH LAND DIVISION COMMITTEE

The County of Perth Land Division Committee met for a special meeting of the Committee on Thursday, June 7, 2012 at 10:15 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)  
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 10:15 a.m.

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

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

THAT the Land Division Committee agenda for June 7, 2012 be approved. **Carried.**

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

No Disclosure of Pecuniary Interest stated.

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

4.1 **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.

**Background:** Provisional Consent was granted by the Land Division Committee for both B24/11 and B25/11 on February 3, 2012. One of the conditions imposed reads as follows:

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.*

Subsequent to the provisional consent approval being given, the Secretary-Treasurer of the Land Division Committee was advised by Steve Monteith, the solicitor working on behalf of the Witts in respect to finalizing the conveyances, that the Land Titles/Registry has indicated the rules it operates under have been changed and that environmental warnings can no longer be registered as Notices on title.

Based on further discussions and investigations with Land Titles/Registry Office staff, it has been determined that the subject environmental warning can be registered on title if it is done through an agreement required as a condition of consent approval. Planning Department staff have prepared a draft agreement to this effect and forwarded it to both the Land Titles/Registry Office staff and Mr. Monteith for review. "Pre-approval" from both the Land Titles/Registry office and Mr. Monteith have been received.

Planning Department staff is of the opinion that the best way to deal with this issue is for Condition No. 7 to be amended to state as follows:

7. *That an agreement between the Witts and the County be entered into and registered on title, which agreement is for the purpose of informing the current 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.*

Under the provisions of Section 53(23) of the Planning Act, the Land Division Committee has the authority to change the conditions of a provisional consent at any time before consent is given. Under the provisions of Section 53(26) of the Planning Act, the Land Division Committee is not required to give written notice of a change in a condition if the Committee considers the change to be minor.

A request from Mr. Monteith, on behalf of the Witts, was received on May 22, 2012 requesting that the Land Division Committee of the County of Perth consider a change to Condition No. 7 so as to require an agreement which can be registered on title, and furthermore, that the Committee waive the \$250.00 change of condition fee, as the subject issue has arisen due to changes to the Province's rules governing registration of documents as Land Titles/Registry Offices, which is a matter beyond their and the Land Division Committee's control.

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Mr. John Witt, applicant, was in attendance. Mr. Hanly referred to his written report to the Committee noting that due to a change to the Province's rules governing registration of documents as Land Titles/Registry Offices, a change to Condition No. 7 is required in order to satisfy the condition and that the change be treated as a minor amendment. He also noted that the condition had been imposed pursuant to a recommendation by the Planning Department and the Town of St. Marys. Mr. Hanly suggested that it would be appropriate to waive the \$250.00 change of condition fee. Committee Member Bill French questioned whether the wording of the amended condition should be revised to read:

*That an agreement between the Witts and the County be entered into and registered on title, which agreement is for the purpose of informing the current and all future owners that the lot is in close proximity to an active and growing municipal landfill site that ~~will~~ **may** impact the said lot.*

It was agreed to make no change to the amended wording.

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

THAT Provisional Consent B24/11 be granted a change of condition to Condition No. 7, that it be considered as a minor amendment, and that the \$250.00 change of condition fee be waived. **Carried.**

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

THAT Provisional Consent B25/11 be granted a change of condition to Condition No. 7, that it be considered as a minor amendment, and that the \$250.00 change of condition fee be waived. **Carried.**

## 5. OTHER BUSINESS

None

## 6. CLOSED MEETING – No Closed Meeting

## 7. REPORTING OUT FROM CLOSED MEETING – N/A

## 8. NEXT MEETING

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

## 9. ADJOURNMENT

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

THAT the meeting adjourn. **Carried.**

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Leslie Belland, Secretary-Treasurer

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Ian Forrest, Chairman