



COUNTY OF PERTH LAND DIVISION COMMITTEE

The County of Perth Land Division Committee met on Wednesday, July 11, 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: Rhonda Ehgoetz
Seconded by: Mert Schneider

THAT the Land Division Committee agenda for July 11, 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: Mert Schneider

THAT the minutes of the May 14, 2012 Land Division Committee meeting be approved. **Carried.**

Moved by: Bill French
Seconded by: Jim Aitcheson

THAT the minutes of the June 7, 2012 special meeting of the Land Division Committee be approved. **Carried.**

5. HEARING OF APPLICATIONS FOR CONSENT

5.1 **File No.:** B13/12

Name of Applicant: MCNAIN FARMS LTD.

Legal Description: Part Lots 7 and 8, Concession 1, Logan Ward, Municipality of West Perth (5656 Line 34)

Nature of Application:

To create a lot addition by severing a vacant 65 acre agricultural parcel to be added to the abutting Part Lots 8 and 9 owned by Johannes Fransicus Van Nuland, while retaining 100 acres with a barn, shed and silo.

Jamie McNain, applicant, his lawyer Richard Pickett, and Johannes Van Nuland were present at the meeting. Mr. Hanly commented that the application is straight forward from a planning perspective and that the proposed condition regarding lot enlargement should be imposed. He also indicated on the sketch two previously severed lots which are not part of this application.

Moved by: Mert Schneider

Seconded by: Jim Aitcheson

THAT Application B13/12 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. 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 Johannes Fransicus Van Nuland 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.

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. **Carried.**

5.2 File No.: B15/12

Name of Applicant: W. Leon and Helen E. PERKIN

Legal Description: Part Lots 22 and 23, Concession 1, and Part of Lot 5, Registered Plan 173, Listowel Ward, Municipality of North Perth (585 Pleasant View Drive)

Nature of the Application:

To create a new lot by severing a 1616.5 square metre residential parcel with an existing house and out building, while retaining a vacant 13.3 hectare parcel.

Leon and Helen Perkin were in attendance. Mr. Perkin commented that the reason for the request is for estate planning purposes. He also commented that he has been connected with the property since 1970 and that in 2001 they took ownership and built a one floor house on the property. Mr. Perkin pointed out to the Committee that the property to the south of the subject property is a large VLA parcel and that the properties to the east are all large lots. Mrs. Perkin also commented that the request is for estate planning purposes and that because of their age, they are not in a position to develop the land by a plan of subdivision. She said it is their intention to sell the land to a developer, however they have no current plans in place to do so.

Moved by: Mert Schneider

Seconded by: Jim Aitcheson

THAT Application B15/12 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 place the proposed severed lot in the appropriate zone while the retained lot be placed in an appropriate zone to preclude development until such time that a Plan of Subdivision is approved for the retained lot.
6. Confirmation from a Solicitor that an Agreement between the Municipality of North Perth and the applicant, stipulating that any further development of the retained parcel will be by an approved Plan of Subdivision, has been registered on title, with a copy of the Agreement being provided to the Land Division Committee.
7. Confirmation from the Municipality of North Perth that a lot grading and drainage plan has been submitted for the severed lands.
8. Confirmation from the Municipality of North Perth that the applicant has gratuitously conveyed to the Municipality of North Perth the land for the extension of the Pleasant View Drive road allowance.
9. Confirmation from the Municipality of North Perth that the extension of Pleasant View Drive has been dedicated as a public highway.
10. Confirmation from the Municipality of North Perth that a Consent Servicing Agreement between the Municipality and the applicant, for the construction of the public infrastructure for the proposed severed lot, has been entered into.
11. An Undertaking be received from the applicants that they will provide a copy of the Maitland Valley Conservation Authority's July 2, 2012 Memorandum to the Land Division Committee outlining the MVCA's recommendation regarding future development in the Floodplain portion of the property and that a copy of the Memo be attached to the Undertaking. **Carried.**

5.3 File No.: B16/12

Name of Applicant: K-C WAREHOUSING INCORPORATED

Legal Description: Part of Lot 19, Concession 1, Mitchell Ward, Municipality of West Perth (153 West Street North)

Nature of the Application:

To create a new lot by severing a vacant 34,181 square foot (.785 acre) industrial parcel while retaining a 132,915 square foot (3.05 acre) parcel with an existing mini warehouse. A new industrial building is proposed to be built on the severed portion.

Jim Skinner, owner of K-C Warehousing Incorporated was in attendance. Mr. Hanly commented that the application is straight forward. Mr. Skinner said that the Area measurement is approximate and will be confirmed by the surveyor. Mr. Skinner commented that he would be installing a septic system and Mr. Hanly replied that development of a sewage system would be in compliance with the policy of the Mitchell Ward Official Plan.

Moved by: Jim Aitcheson

Seconded by: Bill French

THAT Application B16/12 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.**

5.4 File No.: B17/12

Name of Applicant: Josephine VAN LOON

Owners: VAN LOON FARMS LTD.

Legal Description: Part Lot 17 and Lot 18, Concession 3, and Lot 16, Concession 4, Hibbert Ward, Municipality of West Perth (3577 Perth Road 180)

Nature of the Application: To create a new lot by severing a vacant 140.02 acre agricultural parcel while retaining 100 acres with an existing house, barn and shed, subject to an easement for hydro purposes and to create a 9.1 metre wide easement for access purposes along the northerly side of the retained lands.

Josephine Van Loon, applicant, and her lawyer John McKertcher were in attendance. Mr. McKertcher commented that the application is to sever Part Lot 17 and 18, Conc. 3 from Lot 16, Conc. 4 as it had been discovered that the properties merged on title as the north east corner of the two properties overlap by 35.28 feet. He also mentioned that all the Van Loon properties are farmed by the Van Loons and that the new lot will be sold to family members. Mr. Hanly commented that the request for a 9.1 metre wide easement for access purposes along the northerly side of the retained lands came from the Ausable Bayfield Conservation Authority and that it is a reasonable request. He suggested that the Committee's motion should include the request for an easement.

Moved by: Bill French

Seconded by: Mert Schneider

THAT Application B17/12 be granted provisional consent which includes the creation of a 9.1 metre wide easement for access purposes along the northerly side of the retained lands, in favour of the owner of the severed lands, 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 be received from the Ausable Bayfield Conservation Authority that their \$200.00 commenting fee has been received from the applicant. **Carried.**

5.5 File No.: B18/12

Name of Applicant: Alexander Crerar and Lucia Anastasia ROBERTSON

Legal Description: Part Lot 12, Concession 11, North Easthope Ward, Township of Perth East

Nature of the Application: To create a lot addition by severing an approximate .2 hectare vacant parcel to be added to the abutting lot to the east described as Part Lot 12, Concession 11, owned by Alexander Stewart Horne and Jean Catherine Horne, while retaining an approximate 27.7 hectare vacant agricultural parcel. The Horne's have had possession of the area to be severed for more than 38 years and this application is to make legal boundary lines conform with that possession.

The applicant's lawyer, Hugh McDonald, and Mr. Horne were in attendance. Mr. McDonald commented that the application speaks for itself. Mr. Hanly commented that it is a straight forward application and that the proposed purchasers have been the custodians of the severed portion for many years and that it will be united with the abutting property owned by Alexander and Jean Horne.

Moved by: Mert Schneider

Seconded by: Rhonda Ehgoetz

THAT Application B18/12 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 of an approved Zoning By-law Amendment to zone the severed lands and the lands to which they will be added to the satisfaction of the Township of Perth East.
5. 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.
6. That the area being severed be added to the abutting lot owned by Alexander Stewart Horne and Jean Catherine Horne 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.
7. 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.
8. 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 July 11, 2012 report on new and pending applications was reviewed.

Moved by: Rhonda Ehgoetz
Seconded by: Jim Aitcheson

THAT the July 11, 2012 report on new and pending applications be approved. **Carried.**

7. CORRESPONDECE – None

8. APPEALS - None

9. OTHER BUSINESS

- 9.1 OACA Fall Seminar in Peterborough was discussed. Leslie will provide further information when it becomes available.
- 9.2 Dave Hanly gave a brief budget review noting that to date we have received more applications than expected.
- 9.3 Dave Hanly discussed collection of Conservation Authority review fees as a condition.

10. CLOSED MEETING – No Closed Meeting

11. REPORTING OUT FROM CLOSED MEETING – N/A

12. NEXT MEETING

Wednesday, September 12, 2012.

13. ADJOURNMENT

Moved by: Mert Schneider
Seconded by: Rhonda Ehgoetz

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

Leslie Belland, Secretary-Treasurer

Ian Forrest, Chairman