



COUNTY OF PERTH LAND DIVISION COMMITTEE

The County of Perth Land Division Committee met on Wednesday, September 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 9:30 a.m.

2. ADOPTION OF AGENDA

Moved by: Mert Schneider
Seconded by: Jim Aitcheson

THAT the Land Division Committee agenda for September 12, 2012 be amended by moving Section 5.5 to the beginning of Section 5, and approved as revised. **Carried.**

3. DECLARATION OF PECUNIARY INTEREST

No Disclosure of Pecuniary Interest stated.

4. ADOPTION OF PREVIOUS MINUTES

Moved by: Rhonda Ehgoetz
Seconded by: Bill French

THAT the minutes of the July 11, 2012 Land Division Committee meeting be approved. **Carried.**

5. HEARING OF APPLICATIONS FOR CONSENT

- 5.1 File No.:** B23/12
Name of Applicant: Ellen SKINNER
Legal Description: Part Lot 15, Concession 12, Logan Ward, Municipality of West Perth (5101 and 5105 Road 164)

Nature of the Application:

To create a new lot by severing a 1.11 hectare institutional parcel including a former rectory, while retaining a 3900 square metre parcel including a former church. A residential dwelling is proposed for each parcel.

Moved by: Jim Aitcheson
Seconded by: Mert Schneider

THAT Application B23/12 be deferred until the issue regarding access to Highway 23 has been addressed to the satisfaction of the Ministry of Transportation, allowing for an access permit to be obtained. **Carried.**

5.2 File No.: B21/12

Name of Applicant: John Joseph and Lorrie Ann MCDONNELL

Legal Description: Lot 26 and Part Lot 27, Concession 13, Logan Ward, Municipality of West Perth (6614 Line 49)

Nature of Application:

To create a lot addition by severing an 829.2 square metre agricultural parcel with an existing metal storage shed to be added to the abutting property owned by Douglas Gerald Snyders and Marianne Marie Snyders located at Part Lot 27, Concession 13, Logan Ward (6648 Line 49), while retaining 62.3 hectares with an existing house, shed and barn.

The applicants' lawyer, Andrew Phillips, was in attendance to answer any questions. Dave Hanly commented that the application is straight forward and that the need for it seems to be satisfied and reasonable. He noted that the severed portion is 8,900 square feet which is not out of the question for a property in an agricultural area. He also commented that the proposed conditions were appropriate.

Moved by: Mert Schneider
Seconded by: Bill French

THAT Application B21/12 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 be received of an approved Zoning By-law Amendment to the Municipality's Zoning By-law to recognize the changed status/increased size of the Snyders' property.
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 Douglas Gerard Snyders and Marianne Marie Snyders 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.**

5.3 File No.: B25/12

Name of Applicant: Old Colony Mennonite Church c/o Dave REDECOP

Owner: Clifford BOWMAN

Legal Description: Part Lot 7, Concession 13 and Part Lots 14, 15, 16 & 17, Registered Plan 282, Mornington Ward, Township of Perth East

Nature of the Application:

To create a new lot by severing a vacant 1.31 hectare agricultural parcel while retaining 39 hectares with an existing house and shed. A Mennonite church is proposed for the severed portion.

The applicant, Dave Redecop, on behalf of the Old Colony Mennonite Church, was in attendance, as was Clifford Bowman, the owner of the subject property. Dave Hanly noted that the subject property falls within the existing Hamlet area. He clarified that the need for an entrance permit would be for access to Line 83. He also commented that the Township of Perth East should be requiring a site plan at the Zoning By-law Amendment stage. Committee member Rhonda Ehgoetz questioned whether there was a plan to have a cemetery on the subject property in the future and if so, was there sufficient area for one. Dave Hanly noted that there may be a need for a further application if a cemetery is proposed. The applicant replied that he was unsure at this time whether a cemetery is in the plans or not. Chair Ian Forrest questioned the applicant regarding the potential number of members and how many parking spaces were being proposed. Mr. Redecop replied that there would be approximately 300 members, and parking for 50-60 vehicles. Committee member Jim Aitcheson commented that there would not be room for a cemetery if there was parking for 60 cars.

A recess was then granted to allow the applicant and the property owner to discuss the cemetery issue.

The hearing resumed and the Committee was advised that the property owner, Mr. Bowman, was not willing to sell anymore of his land to allow room for a cemetery. A draft site plan was also presented to the Committee at this point, which indicated parking for 145 cars.

Moved by: Jim Aitcheson
Seconded by: Bill French

THAT Application B25/12 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 that the severed lands have been rezoned to the satisfaction of the Township of Perth East.
 5. Confirmation be received from the Township of Perth East that the apportionment schedule for the Cummings Drain be updated to the satisfaction of the Township in accordance with Section 65.1 of the Drainage Act R.S.O. to show the new development and that the applicant will be responsible for all costs associated with this re-apportionment.
 6. Confirmation be received that the applicants have received approval in accordance with County standards for an entrance permit onto Line 83. **Carried.**
- 5.4 File No.: B19/12**
Name of Applicant: Brent and Melissa WILLIAMS
Owner: Floyd and Eleanor Hutton
Legal Description: Part Lot 24, Concession 2, Wallace Ward, Municipality of North Perth (5959 Line 87)
Nature of the Application:
 To create a new lot by severing a vacant 4422.57 square metre parcel for residential purposes, while retaining a 9755.55 square metre parcel with an existing house and three out buildings.

File No.: B20/12
Name of Applicant: Brent and Melissa WILLIAMS
Owner: Floyd and Eleanor Hutton
Legal Description: Part Lot 24, Concession 2, Wallace Ward, Municipality of North Perth (5959 Line 87)

Nature of the Application:

To create a new lot by severing a vacant 4422.57 square metre parcel for residential purposes, while retaining a 5332.98 square metre parcel with an existing house and three out buildings.

Melissa Williams, applicant, was in attendance, as was Doug Gilmore, the applicants' agent. Neither of them had any comments. Dave Hanly noted that the applications are straight forward and that the applicants had previously received approval for an Official Plan Amendment on the subject property. He also commented the planning report speaks favourably for both applications.

Moved by: Mert Schneider

Seconded by: Jim Aitcheson

THAT Application B19/12 and B20/12 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 satisfied (if any). **Carried.**

5.5 File No.: B22/12

Name of Applicant: Art and Jan WOMBWELL

Legal Description: Part Lot 2, Registered Plan 159, Listowel Ward, Municipality of North Perth (465 Albert Street N.)

Nature of the Application: To create a new lot by severing a vacant 7,960 square foot parcel for residential purposes, while retaining an 8,458 square foot parcel with an existing single family dwelling.

The applicant, Art Wombwell, was in attendance. He noted that the building shown on the aerial photo has been demolished. Dave Hanly commented that the application is straight forward and that Planning recommends approval of the application with conditions.

Moved by: Mert Schneider

Seconded by: Rhonda Ehgoetz

THAT Application B22/12 be granted provisional 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. **Carried.**

5.6 File No.: B24/12

Name of Applicant: H & J DONEGAN HOLDINGS INC.

Legal Description: Lot 74, Registered Plan 44M-33, Listowel Ward, Municipality of North Perth

Nature of the Application:

To create a lot addition by severing 589.6 square metres of vacant residential land to be added to an abutting lot described as Lot 75, RP 44M-33 owned by H & J Donegan Holdings Inc., while retaining 589.6 square metres of vacant residential land which will be joined as a lot addition to an abutting lot described as Lot 73, RP 44M-33, owned by H & J Donegan Holdings Inc.

Harry Donegan, applicant, and Laurie Nuhn, purchaser, were in attendance. Mr. Donegan spoke to the need for bigger lots in the subdivision to allow for larger homes to be built on them. Dave Hanly commented that, out of principle, the Planning report does not recommend approval. He noted that there may be a limited need for larger lots, therefore, conditions should be imposed, if approved. Mrs. Nuhn commented to the Committee that her husband is a Doctor requiring privacy from his patients, and that this is the only area in Listowel where they can get the privacy they require.

Moved by: Mert Schneider

Seconded by: Jim Aitcheson

THAT Application B24/12 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. 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 from Lot 74 be added to the abutting Lot 75 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. That the retained area from Lot 74 be added to the abutting Lot 73 and that Section 50(3) or (5) of the Planning Act, 1990 shall apply to any subsequent conveyance or transaction of the retained parcel and the Certificate under Section 53(42) shall contain reference to this stipulation.
7. Confirmation be received from a solicitor that the severed parcel and the retained parcel will be included in any mortgages that exist for the respective abutting lots to which they are being added (i.e. Lot 75 and Lot 73) or that the resultant lots (i.e. the severed lot plus Lot 75 and the retained lot plus Lot 73) will be mortgaged as whole lots or that there are no outstanding mortgages/encumbrances on the resultant lots.
8. An undertaking from a solicitor that the severed lot plus Lot 75 will be consolidated under Land Titles onto one P.I.N. and that the retained lot plus Lot 73 will be consolidated under Land Titles onto one P.I.N.
9. Confirmation be received from the Municipality of North Perth of all financial conditions being met (if any).
10. Confirmation be received from the Municipality of North Perth of the submission and approval of a revised lot grading and drainage plan for the enlarged Lot 73 and Lot 75. **Carried.**

6. REPORTS

- 6.1 The September 12, 2012 report on new and pending applications was reviewed.

Moved by: Bill French
Seconded by: Jim Aitcheson

THAT the September 12, 2012 report on new and pending applications be approved.
Carried.

7. CORRESPONDENCE – None

8. APPEALS

- 8.1 Appeal by James Martin concerning County of Perth Land Division Committee's Decision on Consent Application No. B5/12 by W. Leon Perking and Helen E. Perkin.

Moved by: Mert Schneider
Seconded by: Rhonda Ehgoetz

That information regarding the appeal by James Martin be received for information purposes.
Carried.

9. OTHER BUSINESS

10. CLOSED MEETING – No Closed Meeting

11. REPORTING OUT FROM CLOSED MEETING – N/A

12. NEXT MEETING

Monday, November 19, 2012.

13. ADJOURNMENT

Moved by: Bill French
Seconded by: Mert Schneider

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

Leslie Belland, Secretary-Treasurer

Ian Forrest, Chairman