



## COUNTY OF PERTH LAND DIVISION COMMITTEE

The County of Perth Land Division Committee met on Thursday, May 16, 2013 at 9:30 a.m. in the Council Chamber at the County Court House, 1 Huron St., Stratford.

### **Committee Members Present:**

Mert Schneider (Chair)  
Ian Forrest  
Bill French  
Jim Aitcheson  
Rhonda Ehgoetz

### **Staff Present:**

Leslie Belland (Secretary-Treasurer)  
Mark Swallow (Planning Representative)

### **1. CALL TO ORDER**

With quorum present, Mert Schneider called the meeting to order at 9:30 a.m.

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

**Moved by: Ian Forrest**  
**Seconded by: Jim Aitcheson**

THAT the Land Division Committee agenda for May 16, 2013 be approved. **Carried.**

**Moved by: Ian Forrest**  
**Seconded by: Bill French**

THAT agenda item 5.5 (Consent Applications B07/13 and B08/13 by 2315952 ONTARIO INC. be deferred at the request of the applicant. **Carried.**

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

No Disclosure of Pecuniary Interest stated.

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

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

THAT the minutes of the March 25, 2013 Land Division Committee meeting be approved. **Carried.**

## 5. HEARING OF APPLICATIONS FOR CONSENT

### 5.1 File No.: B05/13

**Name of Applicant:** Greg and Susan FOWLER

**Legal Description:** Part Lot 7, North Boundary Concession, Blanshard Ward, Township of Perth South (2269 Road 120)

**Nature of Application:**

To create a lot addition by severing a vacant 0.1 acre agricultural parcel to be added to the abutting parcel owned by Anthony Bertrand (PIN 53257-0070), while retaining 37 acres with an existing steel covered shed.

The applicant's lawyer, Mr. Mark Poulton, was in attendance. He explained that the purpose of the application is to enable the severed portion to be used, as it is not suitable for agricultural use, and that it would straighten the property line. Mark Swallow commented that the subject property is in the urban fringe designation boundary and that Planning has no concerns with the proposal.

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

THAT Application B05/13 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 by the Perth County Land Division Committee Secretary-Treasurer that the notice sign and sign frame posted on the subject property has been returned to the issuing Municipality within 30 days of the decision of the Land Division Committee. If the notice sign is not returned, confirmation must be received that a replacement sign fee of \$100.00 has been paid to the issuing Municipality prior to the final consent approval.
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 Anthony Bertrand 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.
9. Confirmation be received from the Township of Perth South that all financial requirements of the Township have been satisfied (if any).
10. Confirmation be received from the Township of Perth South of an approved Zoning By-law Amendment to place the severed land in the "Rural Residential Zone (RR)". **Carried.**

## 5.2 File No.: B06/13

**Name of Applicant:** Colleen JAQUES

**Legal Description:** Lots 10 and 15, Registered Plan 331, South Easthope Ward, Township of Perth East (3999A Byron Street, Shakespeare)

**Nature of Application:**

To create a new lot by severing a vacant 664.6 square metre parcel for residential purposes, while retaining 922.5 square metres with an existing house and shed.

The applicant, Colleen Jaques, was in attendance. She had no comments. Mark Swallow noted that the property is designated Residential with water and sewers and that Planning fully supports the application. MTO's condition that access to the severed parcel is to be from William Shakespeare Street was questioned and discussed. Mark Swallow noted that MTO has access control within 395m of the subject property and that this application falls within that range.

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

THAT Application B06/13 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 by the Perth County Land Division Committee Secretary-Treasurer that the notice sign and sign frame posted on the subject property has been returned to the issuing Municipality within 30 days of the decision of the Land Division Committee. If the notice sign is not returned, confirmation must be received that a replacement sign fee of \$100.00 has been paid to the issuing Municipality prior to the final consent approval.
5. Confirmation be received from the Township of Perth East that the parkland dedication fee has been paid.
6. Confirmation be received from the Township of Perth East that the apportionment schedule for municipal drains in this area be updated to the satisfaction of the Township of Perth East 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.
7. Confirmation be received that the Owner and the Township of Perth East have entered into an Agreement that the sole access of the severed parcel will be from William Shakespeare Street.  
**Carried.**

### 5.3 File No.: B02/13

**Name of Applicant:** William and Susan VAN BAKEL

**Legal Description:** Lot 17, Concession 4, Hibbert Ward, Municipality of West Perth (7060 Line 28)

**Nature of Application:**

To create a lot addition by severing a vacant 25 acre agricultural parcel to be added to the abutting property to the east owned by Van Loon Farms Ltd., while retaining 75 acres with an existing house, shed, barn and manure tank.

Trevor McNeil, agent for the applicant was in attendance, as was the applicant, Bill Van Bakel, and the abutting property owner, Jeff Van Loon. Trevor presented the application noting that it is straight forward and complies with all Zoning By-law requirements. He commented that Mr. Van Bakel runs a beef farm and requires the additional land to keep his farm operating. Trevor noted that there is a Hydro One easement that runs along the north end of the property. Mark Swallow commented that severing the back 25 acres is unusual, however, the OP allows for 75 remaining acres and that Planning had no other concerns. Ian Forrest questioned whether a drainage apportionment schedule amendment would be appropriate now that the parcel will be reconfigured. Mark Swallow replied that West Perth does not have this policy and that he would be hesitant to have it included as a condition.

**Moved by:** Ian Forrest  
**Seconded by:** Rhonda Ehgoetz

THAT Application B02/13 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 by the Perth County Land Division Committee Secretary-Treasurer that the notice sign and sign frame posted on the subject property has been returned to the issuing Municipality within 30 days of the decision of the Land Division Committee. If the notice sign is not returned, confirmation must be received that a replacement sign fee of \$100.00 has been paid to the issuing Municipality prior to the final consent approval.
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 to the east owned by Van Loon Farms Ltd. 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.
9. Confirmation be received from the Municipality of West Perth that all taxes have been paid in full.
10. Confirmation be received from the Municipality of West Perth that all financial requirements of the Municipality have been satisfied (if any). **Carried.**

#### **5.4 File No.: B03/13**

**Name of Applicant:** K & D ROSE CONSTRUCTION LTD.

**Legal Description:** Part of Park Lot 35, Registered Plan 339, Mitchell Ward, Municipality of West Perth (Clayton Street)

**Nature of the Application:**

To create a lot addition by severing a vacant 261 square metre residential parcel to be added to the abutting property to the east owned by 2336563 Ontario Ltd., while retaining a vacant 255 square metre parcel.

#### **File No.: B04/13**

**Name of Applicant:** 2336563 ONTARIO LTD. c/o K & D ROSE CONSTRUCTION

**Legal Description:** Part of Park Lot 35, Registered Plan 339, Mitchell Ward, Municipality of West Perth (Clayton Street)

**Nature of the Application:**

To create a lot addition by severing a vacant 127.5 square metre residential parcel to be added to the abutting property to the west owned by K & D Rose Construction Ltd., while retaining a vacant 1032 square metre parcel.

Trevor McNeil, agent for the applicants, was in attendance. He presented the applications noting that the lot configurations would allow for multi-unit residences on each property.

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

THAT Application B03/13 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 by the Perth County Land Division Committee Secretary-Treasurer that the notice sign and sign frame posted on the subject property has been returned to the issuing Municipality within 30 days of the decision of the Land Division Committee. If the notice sign is not returned, confirmation must be received that a replacement sign fee of \$100.00 has been paid to the issuing Municipality prior to the final consent approval.
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 to the east owned by 2336563 Ontario Ltd. 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.
9. Confirmation be received from the Municipality of West Perth that all taxes have been paid in full.

10. Confirmation be received from the Municipality of West Perth that all financial requirements of the Municipality have been satisfied (if any).
11. Confirmation be received from the Municipality of West Perth of an approved Zoning By-law Amendment to zone the lands for their intended uses.
12. Confirmation be received that the owner has sought and obtained an approved Site Plan Agreement to regulate site conditions for the severed and retained parcels. **Carried.**

**Moved by: Rhonda Ehgoetz**  
**Seconded by: Ian Forrest**

THAT Application B04/13 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 by the Perth County Land Division Committee Secretary-Treasurer that the notice sign and sign frame posted on the subject property has been returned to the issuing Municipality within 30 days of the decision of the Land Division Committee. If the notice sign is not returned, confirmation must be received that a replacement sign fee of \$100.00 has been paid to the issuing Municipality prior to the final consent approval.
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 to the west owned by K & D Rose Construction Ltd. 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.
9. Confirmation be received from the Municipality of West Perth that all taxes have been paid in full.
10. Confirmation be received from the Municipality of West Perth that all financial requirements of the Municipality have been satisfied (if any).
11. Confirmation be received from the Municipality of West Perth of an approved Zoning By-law Amendment to zone the lands for their intended uses.
12. Confirmation be received that the owner has sought and obtained an approved Site Plan Agreement to regulate site conditions for the severed and retained parcels. **Carried.**

**5.5 File No.:** B07/13 – Deferred at request of applicant.

**Name of Applicant:** 2315952 ONTARIO INC.

**Legal Description:** Part Lots 58, 59 and 60, Registered Plan No. 363, Milverton Ward, Township of Perth East

**Nature of the Application:**

To create a new lot by severing a vacant 1952.1 square metre parcel for residential purposes, while retaining a vacant 9880.8 square metre parcel.

**File No.:** B08/13 – Deferred at request of applicant.

**Name of Applicant:** 2315952 Ontario Inc.

**Legal Description:** Part Lots 58, 59 and 60, Registered Plan No. 363, Milverton Ward, Township of Perth East

**Nature of the Application:**

To create a new lot by severing a vacant 1952.1 square metre parcel for residential purposes, while retaining a vacant 9880.8 square metre parcel.

## 6. REPORTS

- 6.1 The May 16, 2013 report on new and pending applications was reviewed.

**Moved by:** Jim Aitcheson

**Seconded by:** Ian Forrest

THAT the May 16, 2013 report on new and pending applications be received for information.  
**Carried.**

## 7. CORRESPONDENCE

- 7.1 The Committee reviewed comments received from the Ministry of Transportation regarding B39/12 by Robert and Marjorie Irvine (deferred at the February 11, 2013 meeting to allow the applicants time to address the issue of highway access to the satisfaction of the Ministry of Transportation). The letter advised that the MTO does not support the severance as it is applied for and recommended that the Owner(s) explore options of other land use and planning tools.



**8. APPEALS**

- 8.1 The Committee reviewed the April 26, 2013 letter from the OMB regarding B15/12 Appeal of Perkin application by James Martin in which the Board acknowledged receipt of Miller Thompson's April 16<sup>th</sup>, 2013 letter advising that Mr. Perkin intends to seek costs associated with the recent OMB hearing.

**9. OTHER BUSINESS - None****10. CLOSED MEETING – No Closed Meeting****11. REPORTING OUT FROM CLOSED MEETING – N/A****12. NEXT MEETING**

Thursday, June 13, 2013, or Monday, July 15, 2013. The Secretary-Treasurer to advise.

**13. ADJOURNMENT**

**Moved by: Ian Forrest**

**Seconded by: Bill French**

THAT the meeting adjourn at 10:41 a.m. **Carried.**

  
Leslie Belland, Secretary-Treasurer

  
Meredith Schneider, Chairman