



COUNTY OF PERTH LAND DIVISION COMMITTEE

The County of Perth Land Division Committee met on Monday, February 10, 2014 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)
Allan Rothwell (Planning Representative)

1. CALL TO ORDER

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

2. ELECTION AND APPOINTMENT OF OFFICERS FOR 2013

Allan Rothwell, Planning Director called the meeting to order and performed the duties of the Interim Chair.

Moved by Ian Forrest and Seconded by Bill French

That Mert Schneider be nominated as Chair for 2014
Call for further nominations for Chair: None. **Carried**

Moved by Jim Aitcheson and Seconded by Ian Forrest

That Leslie Belland be appointed as Secretary-Treasurer for 2014. **Carried.**

Moved by Rhonda Ehgoetz and Seconded by Mert Schneider

That Geoff VanderBaaren be appointed as Deputy Secretary-Treasurer for 2014. **Carried.**

Moved by Bill French and Seconded by Jim Aitcheson

That Allan Rothwell be appointed as Alternate Deputy Secretary-Treasurer for 2014. **Carried.**

3. ADOPTION OF AGENDA

Moved by: Jim Aitcheson
Seconded by: Ian Forrest

THAT the Land Division Committee agenda for February 10, 2014 be approved. **Carried.**

4. DECLARATION OF PECUNIARY INTEREST

No Disclosure of Pecuniary Interest stated.

5. ADOPTION OF PREVIOUS MINUTES

Moved by: Ian Forrest
Seconded by: Bill French

THAT the minutes of the December 16, 2013 Land Division Committee meeting be approved.
Carried.

6. HEARING OF APPLICATIONS FOR CONSENT

6.1 File No.: B41/13

Name of Applicant: GSP GROUP INC. (c/o Caroline Baker)

Legal Description: Part Lot 15, Concession 7, North Easthope Ward, Township of Perth East (1980 Perth Line 43)

Nature of Application: To create a new lot by severing 2 hectares with two existing buildings, for agricultural-related industrial use, together with an easement for shared well purposes, while retaining 23 hectares with an existing single detached dwelling.

The applicants' agent, Caroline Baker, was in attendance. She explained the purpose of the application noting it is strictly a business decision in order to separate the owner's home from the business. Allan Rothwell commented that the Official Plan policies allow for a farm-related business and that the Planning Department recommends approval of the application.

Moved by: Bill French
Seconded by: Jim Aitcheson

THAT Application B41/13 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 of an approved Zoning By-law Amendment to rezone the retained lands to the satisfaction of the Township of Perth East.
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 and for contacting the Township Clerk to satisfy this condition. **Carried.**

6.2 File No.: B42/13

Name of Applicant: ARANDVIEW FARMS LTD.

Legal Description: Part Lot 31, Concession 10, Elma Ward, Municipality of North Perth (5263 Perth Line 72)

Nature of the Application: To create a new lot by severing an approximate 3400 square metre vacant agricultural parcel while retaining approximately 37.8 vacant hectares.

The applicant, Dave Arand, and his agent, Trevor McNeil, were in attendance. Trevor explained the applications, noting that both proposed lots are in Donegal. Allan Rothwell commented that the subject property is in the hamlet designation in Donegal which extends to the east. He said the Planning Department recommends approval of the applications subject to removing the holding zone. Rhonda Ehgoetz asked whether it is possible to build to the east and Mr. Rothwell replied that it is.

Moved by: Rhonda Ehgoetz

Seconded by: Ian Forrest

THAT Application B42/13 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 from the Municipality of North Perth of an approved Zoning By-law Amendment to remove the holding symbol from the "Hamlet Village Residential zone (HVR-(h))".
6. Confirmation be received from the Municipality of North Perth that all financial requirements of the Municipality have been satisfied (if any). **Carried.**

File No.: B43/13

Name of Applicant: ARANDVIEW FARMS LTD.

Legal Description: Part Lot 31, Concession 10, Elma Ward, Municipality of North Perth (5263 Perth Line 72)

Nature of the Application: To create a new lot by severing 4879 square metres with an existing house and shed, while retaining approximately 38 vacant hectares.

The applicant, Dave Arand, and his agent, Trevor McNeil, were in attendance. Trevor explained the applications, noting that both proposed lots are in Donegal. Allan Rothwell commented that the subject property is in the hamlet designation in Donegal which extends to the east. He said the Planning Department recommends approval of the applications subject to removing the holding zone. Rhonda Ehgoetz asked whether it is possible to build to the east and Mr. Rothwell replied that it is.

Moved by: Jim Aitcheson

Seconded by: Ian Forrest

THAT Application B43/13 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 from the Municipality of North Perth of an approved Zoning By-law Amendment to remove the holding symbol from the "Hamlet Village Residential zone (HVR-(h))".
6. Confirmation be received from the Municipality of North Perth that all financial requirements of the Municipality have been satisfied (if any). **Carried.**

6.3 File No.: B02/14

Name of Applicant: DONNA CHRISTINE ADAMS

Legal Description: Part Lot 16, Concession 5, Mornington Ward, Municipality of North Perth (6771 Perth Road 121)

Nature of the Application: To create a new lot by severing a vacant 1.26 hectare (3.11 acre) agricultural parcel for residential purposes, while retaining a vacant 3.47 hectares (8.57 acres)

The applicant, Donna Adams, and her husband, Steve Adams, were in attendance. They invited any questions the Committee may have. Allan Rothwell commented that the lot addition is allowed under the Official Plan policies and that the Planning Department recommends approval subject to conditions. Bill French asked how big the proposed severed portion is and Mr. Rothwell responded that it is a little better than half an acre.

Moved by: Ian Forrest
Seconded by: Jim Aitcheson

THAT Application B02/14 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 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 and for contacting the Township Clerk to satisfy this condition.
6. That confirmation be received from the Township of Perth East that the severed and expanded abutting lot be rezoned to the satisfaction of the Township of Perth East.
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 areas being severed be added to the abutting property owned by Donna Christine Adams, described as Part Lot 16, Concession 5, Mornington Ward, Township of Perth East, and that Section 50(3) or (5) of the Planning Act, 1990 shall apply to any subsequent conveyance or transaction of the severed parcels and the Certificates 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 they are 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.**

File No.: B03/14

Name of Applicant: DONNA CHRISTINE ADAMS

Legal Description: Part Lot 16, Concession 5, Mornington Ward, Municipality of North Perth (6771 Perth Road 121)

Nature of the Application: To create a lot addition by severing an approximate 1,964 square foot vacant parcel to be added to the abutting previously severed residential parcel owned by Donna Christine Adams, while retaining 75 acres with an existing house, barn, shed, and shop.

The applicant, Donna Adams, and her husband, Steve Adams, were in attendance. They invited any questions the Committee may have. Allan Rothwell commented that the lot addition is allowed under the Official Plan policies and that the Planning Department recommends approval subject to conditions. Bill French asked how big the proposed severed portion is and Mr. Rothwell responded that it is a little better than half an acre.

Moved by: Bill French
Seconded by: Rhonda Ehgoetz

THAT Application B03/14 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 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 and for contacting the Township Clerk to satisfy this condition.

6. That confirmation be received from the Township of Perth East that the severed and expanded abutting lot be rezoned to the satisfaction of the Township of Perth East.
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 areas being severed be added to the abutting property owned by Donna Christine Adams, described as Part Lot 16, Concession 5, Mornington Ward, Township of Perth East, and that Section 50(3) or (5) of the Planning Act, 1990 shall apply to any subsequent conveyance or transaction of the severed parcels and the Certificates 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 they are 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.**

AND

Moved by: Jim Aitcheson
Seconded by: Ian Forrest

THAT the request from the applicant to refund one of the \$1,200.00 application fees be denied.
Carried.

7. REPORTS

7.1 New and Pending Applications

The Secretary-Treasurer advised that two further new applications had been received since the preparation of this report, those being B05/14 and B06/14 by K & D Rose Construction Ltd. in Mitchell for the creation of two new lots for residential purposes.

Moved by: Ian Forrest
Seconded by: Jim Aitcheson

THAT the February 10, 2014 report on new and pending applications be received for information.
Carried.

8. CORRESPONDECE

8.1 Correspondence from the Ontario Municipal Board to advise that the request for costs regarding the B15/12 Appeal by James Martin has been dismissed.

9. APPEALS - None

10. OTHER BUSINESS

10.1 Ontario Association of Committees of Adjustment and Consent Authorities (OACA) 2014 Memberships.

Moved by: Jim Aitcheson
Seconded by: Rhonda Ehgoetz

THAT memberships in OACA for Leslie Belland and Ian Forrest be renewed for 2014. **Carried.**

11. CLOSED MEETING – No Closed Meeting

12. REPORTING OUT FROM CLOSED MEETING – N/A

13. NEXT MEETING – April 28, 2014.

14. ADJOURNMENT – 10:17 a.m.

Leslie Belland, Secretary-Treasurer

Meredith Schneider, Chairman