

## COUNTY OF PERTH LAND DIVISION COMMITTEE

The County of Perth Land Division Committee met on Monday, April 28, 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, Mert Schneider called the meeting to order at 9:30 a.m.

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

**Moved by:** Rhonda Ehgoetz  
**Seconded by:** Bill French

THAT the Land Division Committee agenda for April 28, 2014 be approved. **Carried.**

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

No Disclosure of Pecuniary Interest stated.

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

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

THAT the minutes of the February 10, 2014 Land Division Committee meeting be approved. **Carried.**

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

#### **5.1 File No.: B37/13**

**Name of Applicant:** Elam Weber

**Owner:** Ryan & Charmaine Frey

**Legal Description:** Part Lot 9, Concession 14, Mornington Ward, Township of Perth East (8392 Perth Line 86)

**Nature of the Application:** To create a lot addition by severing a vacant 0.19 hectare agricultural parcel to be added to the abutting property owned by Elam and Velina Weber known as Part Lot 9, Concession 14, Mornington Ward as in R346586, while retaining a vacant 39.7 hectares. It is proposed that a horse barn will be constructed on the severed portion.

This application was granted provisional consent on November 18, 2013. A request by the applicant to include a proposed easement/right-of-way in favour of Part Lot 9, Concession 14 owned by Ryan and Charmaine Frey for the purpose of maintenance and replacement of overhead hydro lines and poles was inadvertently not indicated on the application form. On March 11, 2014, a request from the applicant for the Land Division Committee to approve an easement/right-of-way by way of a change of condition was received, together with the change of condition fee of \$300.00.

**Change of Condition proposed:**

That an easement/right-of-way be provided in favour of Part Lot 9, Concession 14 owned by Ryan and Charmaine Frey for the purpose of maintenance and replacement of overhead hydro lines and poles and that confirmation of same be received from a solicitor in the form of a draft transfer easement document.

The applicant was not in attendance. Allan Rothwell described the location of the proposed easement/right-of-way.

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

THAT Application B41/13 be granted a change to conditions to include in the previously approved provisional consent that an easement/right-of-way be provided in favour of Part Lot 9, Concession 14 owned by Ryan and Charmaine Frey for the purpose of maintenance and replacement of overhead hydro lines and poles and that confirmation of same be received from a solicitor in the form of a draft transfer easement document. **Carried.**

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

THAT the change to conditions be considered to be minor in nature. **Carried.**

**5.2 File No.:** B01/14

**Name of Applicant:** Michael Van Pelt

**Owner:** Van Pelt Construction Inc.

**Legal Description:** Part Lot 24, Concession 2, Fullarton Ward, Municipality of West Perth

**Nature of Application:** To create a new lot by severing a vacant 5837 square metre parcel for industrial use, together with an easement on both the severed and retained portions for shared access purposes, while retaining a 5837 square metre parcel with an existing industrial building.

The applicant, Michael Van Pelt was in attendance. He stated the purpose of the application noting that the reason for the easement is for truck access. Allan Rothwell noted that the required Zoning By-law Amendment had been adopted a month prior. As the easement is shared between two properties, Ian Forrest questioned whether there are arrangements in the agreement for maintenance and whether there should be a statement as to who is responsible for maintenance of the easement so as to halt any future problem down the road between ownerships. Michael Van Pelt replied that the easement is for trucks that need more

ample radius and the maintenance of the easement will be the responsibility of the owner. Allan Rothwell added that there is an additional access point further to the south. Rhonda Ehgoetz questioned if the easement is allowed, can there be another roadway at the back and Michael Van Pelt replied that there is full access all around the building.

**Moved by:** Bill French  
**Seconded by:** Rhonda Ehgoetz

THAT Application B01/14 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 georeferenced 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 Municipality of West Perth that all taxes have been paid in full.
6. Confirmation be received from the Municipality of West Perth that all financial requirements of the Municipality have been satisfied. **Carried.**

### 5.3 File No.: B05/14

**Name of Applicant:** K & D Rose Construction Ltd.

**Legal Description:** Part Park Lot 35, Registered Plan No. 339, Being Parts 1 to 5 on 44R-5083, Mitchell Ward, Municipality of West Perth (Clayton Street)

**Nature of Application:** To create a new lot by severing a 433.7 square metre parcel for residential purposes, while retaining 725.8 square metres. A townhouse is currently under construction on both the proposed severed and retained portions.

### File No.: B06/14

**Name of Applicant:** K & D Rose Construction Ltd.

**Legal Description:** Part Park Lot 35, Registered Plan No. 339, Being Parts 1 to 5 on 44R-5083, Mitchell Ward, Municipality of west Perth (Clayton Street)

**Nature of Application:** To create a new lot by severing a 292.1 square metre parcel for residential purposes, subject to a grading easement as in PC113428, being Part 2 on 44R-5083, while retaining 433.7 square metres subject to a grading easement as in PC113426, being Part 4 on 44R-5083. A townhouse is currently under construction on both the proposed severed and retained portions.

The applicant, Mr. Rose, and his agent, Trevor McNeil, were in attendance. He noted that the aerial photo of the subject property is out of date and that the Municipality of West Perth doesn't do part lot control and that is the reason why the applicant is coming to the Land Division Committee. Allan Rothwell stated that the Planning Department is recommending approval. He discussed that the applicant would require approval from the neighbours to gain access to the back of the property for the B06/14 subject property. Bill French commented that the building being erected is very nice looking. Ian Forrest questioned the Municipality of West Perth's recommendation to not recommend that 2% of the land be set aside for public purposes and Allan Rothwell replied that the reason for this is that this proposal is for residential use, as opposed to commercial and/or industrial. Jim Aitcheson asked why the middle lot was more condensed and Trevor McNeil replied because of the set-backs. Bill French commented that the townhouse is much the same as the ones behind the Ritz Villa.

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

THAT Application B05/14 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 georeferenced 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 Municipality of West Perth that all taxes have been paid in full.
6. Confirmation be received from the Municipality of West Perth that all financial requirements of the Municipality have been satisfied, including a Parkland Fee of \$500, per new lot, but excluding any Development Charges. **Carried.**

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

THAT Application B06/14 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 georeferenced 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 Municipality of West Perth that all taxes have been paid in full.
6. Confirmation be received from the Municipality of West Perth that all financial requirements of the Municipality have been satisfied, including a Parkland Fee of \$500, per new lot, but excluding any Development Charges. **Carried.**

#### 5.4 File No.: B04/14

**Name of Applicant:** Magnus Rust

**Owner:** Magnus and Marta Rust

**Legal Description:** Part Lots 11 and 12, Concession 11, Mornington Ward, Township of Perth East (4316 Line 80)

**Nature of Application:** To create a new lot by severing a vacant 100 acre agricultural parcel with an existing house, barn, and shed, while retaining 99 acres.

Mr. and Mrs. Rust were in attendance. They had no comments. Allan Rothwell noted that the application is straight forward, that it is a 199 acre split and that the Planning Department is recommending approval.

**Moved by:** Ian Forrest

**Seconded by:** Jim Aitcheson

THAT Application B04/14 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 georeferenced 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. **Carried.**

## 6. REPORTS

### 6.1 New and Pending Applications

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

THAT the February 28, 2014 report on new and pending applications be received for information.  
**Carried.**

## 7. CORRESPONDENCE

- 7.1 February 10, 2014 correspondence from the Municipality of North Perth suggesting a question be added to the LDC's questionnaire regarding municipal drainage re-apportionment was deferred to the June 23<sup>rd</sup> LDC meeting.

## 8. APPEALS - None

## 9. OTHER BUSINESS

- 9.1 Information form for farm related severances. Allan Rothwell stated that the purpose of this form is becoming less and less important and that much of the information on the form is of little or no use.

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

THAT the information form for farm related severances be eliminated from the consent application package. **Carried.**

9.2 Allan Rothwell advised the Committee that the LDC Deputy Secretary/Treasurer position would likely be filled by the Planner taking over for Geoff VanderBaaren.

10. **CLOSED MEETING – No Closed Meeting**

11. **REPORTING OUT FROM CLOSED MEETING – N/A**

12. **NEXT MEETING** – June 23, 2014.

13. **ADJOURNMENT** – 10:43 a.m.

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

THAT the meeting adjourn at 10:43 a.m. **Carried.**

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Leslie Belland, Secretary-Treasurer

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Meredith Schneider, Chairman