

COUNTY OF PERTH LAND DIVISION COMMITTEE

The County of Perth Land Division Committee met on Monday, August 18, 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)
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: Bill French

THAT the Land Division Committee agenda for August 18, 2014 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: Rhonda Ehgoetz

THAT the minutes of the June 23, 2014 Land Division Committee meeting be approved. **Carried.**

5. HEARING OF APPLICATIONS FOR CONSENT

5.1 File No.: B09/14

Name of Applicant: K-C Warehousing Incorporated

Owner: K-C Warehousing Incorporated

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

Nature of the Application: To create a new lot by severing a vacant 3622 square metre industrial parcel while retaining a 9370 square metre parcel with two existing metal clad buildings, subject to a sewer easement. A warehouse is proposed to be built on the severed portion.

The applicant's agent, Trevor McNeil, was in attendance. Mark Swallow noted there is a 15m setback from the drain, that the building is set outside of the setback and that Planning supports the application.

Moved by: Bill French

Seconded by: Jim Aitcheson

THAT Application B09/14 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 of an approved Zoning By-law Amendment to recognize the lot frontage minimum of the severed parcel.
6. Confirmation be received from the Municipality of West Perth that all taxes have been paid in full.
7. Confirmation be received from the Municipality of West Perth that all financial requirements of the Municipality have been satisfied. **Carried.**

5.2 File No.: B10/14**Name of Applicant:** Ken & Debra Rose**Owner:** Ken & Debra Rose**Legal Description:** Part Park Lot 35, Registered Plan No. 339, Being Parts 6 to 12 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, subject to a grading easement at the rear of the property, while retaining 725.8 square metres. A new townhouse is proposed for the severed and retained portions.**File No.:** B11/14**Name of Applicant:** Ken & Debra Rose**Owner:** Ken & Debra Rose**Legal Description:** Part Park Lot 35, Registered Plan No. 339, Being Parts 6 to 12 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 at the rear of the property, while retaining 433.7 square metres. A new townhouse is proposed for the severed and retained portions.

The applicant's agent, Trevor McNeil, was in attendance. Also in attendance was Debra Rose. Mr. McNeil mentioned that the applications are straight forward and for the purpose of constructing a townhouse divided into three units. He noted that the house in the photo is no longer there. Mark Swallow had no comments. Jim Aitcheson asked whether the common wall becomes the lot line and Trevor indicated it does. He also noted there is access at the back of the units.

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

THAT Application B10/14 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 (3 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: Jim Aitcheson
Seconded by: Bill French

THAT Application B11/14 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 (3 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.**

5.3 File No.: B12/14

Name of Applicant: 2336563 Ontario Ltd.

Owner: 2336563 Ontario Ltd.

Legal Description: Part Park Lot 35, Registered Plan No. 339, Being Parts 13 to 19 on 44R-5083, Mitchell Ward, Municipality of West Perth (Clayton Street)

Nature of Application: To create a new lot by severing a 443.2 square metre parcel for residential purposes, subject to a grading easement at the rear of the property, while retaining 652.4 square metres. A new townhouse is proposed for the severed and retained portions.

File No.: B13/14

Name of Applicant: 2336563 Ontario Ltd.

Owner: 2336563 Ontario Ltd.

Legal Description: Part Park Lot 35, Registered Plan No. 339, Being Parts 13 to 19 on 44R-5083, Mitchell Ward, Municipality of West Perth (Clayton Street)

Nature of Application: To create a new lot by severing a 256 square metre parcel for residential purposes, subject to a grading easement at the rear of the property, while retaining 396.4 square metres. A new townhouse is proposed for the severed and retained portions.

The applicant's agent, Trevor McNeil, was in attendance. He noted that the severed portion for B12/14 is slightly larger than the severed portion for B13/14 being that it is a corner lot. Mark Swallow had no comments.

Moved by: Ian Forrest

Seconded by: Jim Aitcheson

THAT Application B12/14 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 (3 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: Rhonda Ehgoetz

Seconded by: Bill French

THAT Application B13/14 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 (3 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.: B14/14

Name of Applicant: Brentley and Nancy Baker

Owner: R Farms Ltd.

Legal Description: Part Lot 34, Concession 1, Ellice Ward, Township of Perth East (5336 Line 34)

Nature of Application: To create a lot addition by severing a vacant 1.7 acre agricultural parcel for residential purposes to be added to Part Lot 34, Concession 1 owned by Brentley and Nancy Baker, while retaining 94.7 acres.

Brent Baker, applicant, and Adam Rose, owner, were both in attendance. Mr. Baker noted he had no concerns with the proposed Ministry of Transportation conditions. Mark Swallow stated that the application is for a simple lot addition and that the proposal met the requirements for lot addition and septic, as well as the Official Plan, and that there is no conflict with minimum distance separation. Ian Forrest questioned whether the committee is required to impose the MTO conditions. Jim Aitcheson said he doesn't mind the conditions and suggested that if they were not imposed that it might make it more difficult for the applicant. Rhonda Ehgoetz questioned how soon the applicant was going to build and whether the committee should defer until Mr. Baker works things out with MTO. Mr. Baker replied he would like to move quickly as he would like to move trees in the Fall and begin the addition to his home.

Moved by: Ian Forrest

Seconded by: Rhonda Ehgoetz

THAT Application B14/14 be granted provisional consent without the MTO conditions, and 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.
6. Confirmation be received from the Township of Perth East that all financial requirements of the Township of Perth East have been satisfied.
7. Confirmation be received from the Township of Perth East that the parkland dedication fee has been paid.
8. 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.
9. That the area being severed be added to the abutting property owned by Brentley and Nancy Baker, 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.
10. Confirmation be received from a solicitor that the resultant lot (severed land 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 land is being added.

11. An undertaking from a solicitor that the parcels will be consolidated under Land Titles onto one P.I.N.
12. That confirmation be received from the Township of Perth East that the severed and expanded abutting lot has been rezoned to the satisfaction of the Township of Perth East. **Carried.**

5.5 File No.: B15/14

Name of Applicant: Michael Roth

Owner: Rhonda Mainland

Legal Description: Lot 24, Registered Plan 333, South Easthope Ward, Township of Perth East (2213 William Shakespeare Street, Shakespeare)

Nature of Application: To create a new lot by severing a 5,454 square foot residential parcel, together with an easement for shared well/water purposes, while retaining a 5,454 square foot parcel. A new home is proposed for each of the severed and retained parcels.

File No.: B16/14

Name of Applicant: Michael Roth

Owner: Rhonda Mainland and Michelle Roth

Legal Description: Lot 17, Registered Plan 333, South Easthope Ward, Township of Perth East (2213 William Shakespeare Street, Shakespeare)

Nature of Application: To create an easement for shared well/water purposes to supply water from the water well on Lot 17 to Lot 24.

The applicant, Michael Roth, was in attendance. He commented that he is creating two new lots to build more affordable housing on and that there is an existing well on the B16/14 subject property. He proposes to convert the daycare centre to three units. Ian Forrest questioned whether the tertiary septic system has been decommissioned and Michael Roth replied he wasn't aware what had happened to it. Mark Swallow questioned how close it would be to the proposed water/well easement and Ian Forrest replied it would be just to the left of it. Mark Swallow indicated there would be a separation distance from the water lines and Michael Roth noted that he has not noticed any septic lids which would lead him to believe the septic system has been decommissioned.

Moved by: Jim Aitcheson

Seconded by: Rhonda Ehgoetz

THAT Application B15/14 be granted provisional consent subject to the following conditions as proposed:

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.
6. Confirmation be received from the Township of Perth East that all financial requirements of the Township of Perth East have been satisfied.
7. Confirmation be received from the Township of Perth East that the parkland dedication fee has been paid.
8. An Undertaking being received from a solicitor that notification of a shared water and well agreement between the owner of Lot 17 and the owners of the severed and retained portions of Lot 24 will be registered on title.
9. Confirmation be received from a Solicitor that Application B15/14 and B16/14 will be completed concurrently.
10. That Consent Application No. B16/14 be approved or that an alternative water supply is established to the satisfaction of the Township of Perth East. **Carried.**

Moved by: Ian Forrest
Seconded by: Bill French

THAT Application B16/14 be granted provisional consent subject to the following conditions, including an additional condition regarding decommissioning of the septic system on Lot 17:

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.
6. Confirmation be received from the Township of Perth East that all financial requirements of the Township of Perth East have been satisfied.
7. An Undertaking being received from a solicitor that notification of a shared water and well agreement between the owner of Lot 17 and the owners of the severed and retained portions of Lot 24 will be registered on title.
8. That Consent Application No. B15/14 be approved.
9. Confirmation be received from a Solicitor that Application B15/14 and B16/14 will be completed concurrently.
10. Confirmation be received that the septic system on Lot 17 has been decommissioned to the satisfaction of the Township of Perth East. **Carried.**

6. REPORTS

6.1 New and Pending Applications

Moved by: Ian Forrest
Seconded by: Bill French

THAT the August 18, 2014 report on new and pending applications be received for information.
Carried.

7. CORRESPONDECE - None

8. APPEALS - None

9. OTHER BUSINESS

9.1 The Secretary-Treasurer distributed information regarding the Ontario Association of Committees of Adjustment and Consent Authorities 2014 Fall Seminar in Grimsby.

10. CLOSED MEETING – No Closed Meeting

11. REPORTING OUT FROM CLOSED MEETING – N/A

12. NEXT MEETING – October 20, 2014.

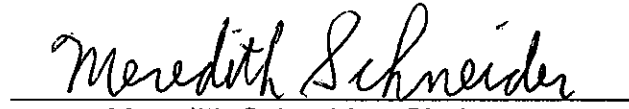
13. ADJOURNMENT

Moved by: Ian Forrest

Seconded by: Bill French

THAT the meeting adjourn at 10:33 a.m. **Carried.**


Leslie Belland, Secretary-Treasurer


Meredith Schneider, Chairman