



COUNTY OF PERTH LAND DIVISION COMMITTEE

The County of Perth Land Division Committee met on Monday, November 24, 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 Director)

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: Ronda Ehgoetz

THAT the Land Division Committee agenda for November 24, 2014, as amended by removing Item 5.4, 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 October 20th, 2014 Land Division Committee meeting be approved. **Carried.**

5. HEARING OF APPLICATIONS FOR CONSENT

5.1 File No.: B18/14

Name of Applicant: Growmark Inc.

Legal Description: Park Lot 23, Plan 308 and Part Block A, Plan 311, Fullarton Ward, Municipality of West Perth (3956 Road 160)

Nature of the Application: To create a new lot by severing 1.2 hectares with an existing operational feed mill building, together with a 3m x 154m easement for electrical services, while retaining 11 hectares with 27 existing structures, including warehouses, offices, and grain elevators.

The Secretary-Treasurer received a request on November 24th from the applicant's agent to defer the application to allow for time to deal with technical issues.

Moved by: Jim Aitcheson

Seconded by: Bill French

THAT Application B18/14 be deferred to allow the applicant time to deal with technical issues.
Carried.

5.2 File No.: B22/14

Name of Applicant: Municipality of North Perth

Owners: John and Ann Bailey

Legal Description: Part Lots 154 to 160, Plan 189, Parts 1 to 3 on RP 44R-4529, Listowel Ward (Davidson Ave. S.)

Nature of Application: To create a new lot by severing an approximate 504.423 square metre residential parcel while retaining approximately 2306.79 square metres.

File No.: B23/14

Name of Applicant: Municipality of North Perth

Owners: John and Ann Bailey

Legal Description: Part Lots 154 to 160, Plan 189, Parts 1 to 3 on RP 44R-4529, Listowel Ward (Davidson Ave. S.)

Nature of Application: To create a new lot by severing an approximate 579.955 square metre residential parcel while retaining approximately 2261.522 square metres.

File No.: B24/14

Name of Applicant: Municipality of North Perth

Owners: John and Ann Bailey

Legal Description: Part Lots 154 to 160, Plan 189, Parts 1 to 3 on RP 44R-4529, Listowel Ward (Davidson Ave. S.)

Nature of Application: To create a new lot by severing an approximate 446.188 square metre residential parcel while retaining approximately 1310.911 square metres.

File No.: B25/14

Name of Applicant: Municipality of North Perth

Owners: John and Ann Bailey

Legal Description: Part Lots 154 to 160, Plan 189, Parts 1 to 3 on RP 44R-4529, Listowel Ward (Davidson Ave. S.)

Nature of Application: To create a new lot by severing an approximate 463.16 square metre residential parcel while retaining approximately 847.745 square metres.

File No.: B26/14

Name of Applicant: Municipality of North Perth

Owners: John and Ann Bailey

Legal Description: Part Lots 154 to 160, Plan 189, Parts 1 to 3 on RP 44R-4529, Listowel Ward (Davidson Ave. S.)

Nature of Application: To create a lot addition by severing an approximate 201.315 square metre vacant residential parcel to be added to the closed portion of Davidson Avenue South to the east, owned by the Municipality of North Perth, while retaining an approximate 646.436 square metre vacant parcel to be dedicated to the Municipality for the use of a public roadway.

There was no one in attendance to represent the Municipality of North Perth. The owners, John and Anne Bailey, were in attendance. Planning Director Allan Rothwell stated there has been a longstanding discussion between the Baileys and the Municipality of North Perth. The revised Plan of Subdivision by Harry Donnegan to the south of the subject property had been dealt with a year ago, and the Baileys have agreed to an extension of Davidson Avenue South. The retained area is to be dedicated to the Municipality and Application B26/14 is for the purpose of joining the severed portion with Davidson Avenue South in exchange for the retained area. Mr. Bailey commented that he had acquired the property in 1976 and it is good to see this development moving forward. Bill French inquired as to whether the property to the east will have access to Davidson Avenue South once it is developed, and Allan Rothwell replied that it would.

Moved by: Rhonda Ehgoetz

Seconded by: Bill French

THAT Application B22/14 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 North Perth that all of the lots front on and have access to an existing public road which is maintained on a year-round basis and which is of a reasonable standard of construction.
6. Confirmation be received from the Municipality of North Perth that all financial requirements of the Municipality have been satisfied (if any).
7. Confirmation be received from the Municipality of North Perth that the apportionment schedule for municipal drains in this area be updated to the satisfaction of the Municipality of North Perth 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 Municipal Clerk to satisfy this condition. **Carried.**

Moved by: Jim Aitcheson
Seconded by: Ian Forrest

THAT Application B23/14 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 North Perth that all of the lots front on and have access to an existing public road which is maintained on a year-round basis and which is of a reasonable standard of construction.
6. Confirmation be received from the Municipality of North Perth that all financial requirements of the Municipality have been satisfied (if any).
7. Confirmation be received from the Municipality of North Perth that the apportionment schedule for municipal drains in this area be updated to the satisfaction of the Municipality of North Perth 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 Municipal Clerk to satisfy this condition. **Carried.**

Moved by: Bill French
Seconded by: Rhonda Ehgoetz

THAT Application B24/14 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 North Perth that all of the lots front on and have access to an existing public road which is maintained on a year-round basis and which is of a reasonable standard of construction.
6. Confirmation be received from the Municipality of North Perth that all financial requirements of the Municipality have been satisfied (if any).
7. Confirmation be received from the Municipality of North Perth that the apportionment schedule for municipal drains in this area be updated to the satisfaction of the Municipality of North Perth 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 Municipal Clerk to satisfy this condition. **Carried.**

Moved by: Jim Aitcheson
Seconded by: Ian Forrest

THAT Application B25/14 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 North Perth that all of the lots front on and have access to an existing public road which is maintained on a year-round basis and which is of a reasonable standard of construction.
6. Confirmation be received from the Municipality of North Perth that all financial requirements of the Municipality have been satisfied (if any).
7. Confirmation be received from the Municipality of North Perth that the apportionment schedule for municipal drains in this area be updated to the satisfaction of the Municipality of North Perth 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 Municipal Clerk to satisfy this condition. **Carried.**

Moved by: Rhonda Ehgoetz
Seconded by: Jim Aitcheson

THAT Application B26/14 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 North Perth that the lot fronts on and has access to an existing public road which is maintained on a year-round basis and which is of a reasonable standard of construction.
6. Confirmation be received from the Municipality of North Perth that all financial requirements of the Municipality have been satisfied (if any).
7. Confirmation be received from the Municipality of North Perth that the apportionment schedule for municipal drains in this area be updated to the satisfaction of the Municipality of North Perth 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 Municipal Clerk to satisfy this condition.
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 closed portion of Davidson Avenue South owned by the Municipality of North Perth, 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. **Carried.**

5.3 File No.: B27/14

Name of Applicant: Douglas and Kimberly Ahrens

Legal Description: Lot 3 and Part Lot 4, Concession 6, Fullarton Ward, Municipality of West Perth

Nature of Application: To create a lot addition by severing a 4 hectare agricultural parcel to be added to the abutting property to the west described as Part Lot 4, Concession 6, Fullarton Ward, owned by Frederick, Irene, Henry, and Ingeborg Koskamp, while retaining 38 hectares with an existing dwelling, shed and grain bins.

Mr. Ahrens was in attendance. He commented that it is strange for a farmer to get rid of land, however, the proposed severed portion which he has owned for 10 years and only been used by him for two years. He said it is landlocked by the Blackcreek and he would like to see it

made use of in a different way. Regarding Blackcreek not being a navigable waterway, Ian Forrest questioned whether the Planning Department has researched whether it is necessary to erect a sign for the bridge and if there is any implication for future bridges. Allan Rothwell commented that the Blackcreek is not considered to be a navigable waterway for commercial purposes and that the waterbed is not owned by the Crown, therefore the severance is required.

Moved by: Ian Forrest
Seconded by: Bill French

THAT Application B27/14 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 (if any).
7. Confirmation be received from the Municipality of West Perth that the apportionment schedule for municipal drains in this area be updated to the satisfaction of the Township of Perth South 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.
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 to the west described as Part Lot 4, Concession 6, Fullarton Ward, Municipality of West Perth, owned by Frederick, Irene, Henry, and Ingeborg Koskamp, 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. **Carried.**

6. REPORTS

6.1 New and Pending Applications report received for information.

Moved by: Ian Forrest
Seconded by: Bill French

THAT the November 24, 2014 report on new and pending applications be received for information.
Carried.

7. **CORRESPONDENCE** - None
8. **APPEALS** - None
9. **OTHER BUSINESS** – None
10. **CLOSED MEETING** – No Closed Meeting
11. **REPORTING OUT FROM CLOSED MEETING** – N/A
12. **NEXT MEETING** – To be determined after the new Committee has been appointed.
13. **ADJOURNMENT**

Moved by: Bill French
Seconded by: Rhonda Ehgoetz

THAT the meeting adjourn at 10:08 a.m. **Carried.**