



**The Corporation of The County of Perth**

**Land Division Committee Minutes**

**June 27, 2016**

Council Present: Councillor Schneider  
Councillor McKenzie  
Councillor Ehgoetz  
Councillor Eidt  
Councillor Aitcheson

Staff Present: Leslie Belland, Secretary-Treasurer  
Stephen Cornwell, Planner

**1. Call to Order**

With quorum present, Councillor Schneider, Chair called the meeting to order at 9:32 A.M.

**2. Confirmation of the Agenda**

**Moved By:** Councillor Aitcheson

**Seconded By:** Councillor McKenzie

THAT the Land Division Committee agenda for June 27th be approved;

Carried

**3. Disclosure of Pecuniary Interest**

None disclosed.

**4. Adoption of Previous Minutes**

**Moved By:** Councillor Eidt

**Seconded By:** Councillor Ehgoetz

THAT the minutes of the April 25, 2016 Land Division Committee meeting be approved.

Carried

## 5. Hearing Of Applications For Consent

### 5.1 File No. B13/16, B14/16, B15/16, and B16/16

Name of Applicant: Ron Davidson Land Use Planning Consultant Inc.

Owner: South Saugeen Developments Ltd. and Snapstone Enterprises Ltd.

Legal Description: Part Lot 23, Concession 2, Lots 4 and 5, RCP 487, Park Lot 7, RP 290, Wallace Ward, Municipality of North Perth (Walton Avenue)

Nature of Application:

Each application (B13/16, B14/16, B15/16, and B16/16) proposes to create a new lot by severing a vacant 0.41 hectare agricultural parcel per lot for residential purposes, while retaining a vacant 0.41 hectare parcel. One detached dwelling is proposed per lot.

The applicant, Ron Davidson, acting on behalf of the owners, was in attendance. Ron advised that he has had discussions with the North Perth CAO regarding a municipal servicing strategy being put in place in order for North Perth to support the applications at a future date. Mr. Davidson noted he and the owners were willing to accept a deferral based on this concept. Steve Cornwell, Planner commented that although a preliminary municipal servicing strategy has been prepared for the north Listowel area, a strategy has not been adopted for this area. Councillor Aitcheson questioned what would the owners be doing for water and Mr. Cornwell answered that water would be provided for by private wells. Councillor Aitcheson also commented that it would be preferable for this area to have slightly denser lots. Mr. Cornwell replied that future services could provide for future severances along the west of the subject property.

**Moved By:** Councillor McKenzie

**Seconded By:** Councillor Aitcheson

THAT Applications B13/16, B14/16, B15/16, and B16/16 be deferred until a municipal servicing strategy has been adopted by the Municipality of North Perth;

Deferred

## 5.2 File No. B10/16

Name of Applicant/Owner: Bruce Charles Cole and Janet Elizabeth Cole

Legal Description: Part Lot 1, RP 198 and Part Lot 2, RP 152, Listowel Ward, Municipality of North Perth (431 Main Street West)

Nature of Application:

To create a new lot by severing a 5,471 square foot parcel with an existing two storey brick dwelling, while retaining a 10,779 square foot parcel with an existing 2-1/2 storey brick dwelling.

The applicant's agent, Kevin Wilbee of Monteith Ritsma Phillips, was in attendance. He explained that the subject property was originally two separate parcels with two PIN's. One was owned by the applicants and one was owned by their daughter, and after the applicant's daughter passed away, the properties merged in title. Therefore, the application is to return the property to two separate parcels. Steve Cornwell, Planner, had no comments.

**Moved By:** Councillor Aitcheson

**Seconded By:** Councillor Ehgoetz

That Application B10/16 by Bruce and Janet Cole 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 and 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.

If it has been determined that the subject property is a whole lot on an original Township Plan of Survey and an Exemption Order cannot be provided by a Land Registrar, satisfactory proof of same shall be provided by a Solicitor, with confirmation stating the reason why an Exemption Order cannot be provided.

3. 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.
4. Confirmation be received from the Municipality of North Perth that all financial requirements have been met (if any).
5. Confirmation from the Municipality of North Perth that a Zoning By-law Amendment has been approved to recognize the lot frontage deficiency of the severed lot, and to recognize the interior side yard deficiency of the severed lot.

Carried

### **5.3 File No. B07/16**

Name of Applicant/Owner: Allan Bruce Morris and Debra Joan Morris

Legal Description: Lots 233 and 234, Registered Plan 331, South Easthope Ward, Township of Perth East (3990 Byron Street, Shakespeare)

Nature of Application:

To create a new lot by severing a 650.5 square metre parcel with an existing well for residential purposes, while retaining a 970.7 square metre parcel with an existing house and shed.

Applicant, Allan Morris, and agent Trevor McNeil, were in attendance. Trevor advised that they are in agreement with the proposed conditions. Planner Steve Cornwell noted that the Perth East Planner, Adam Betteridge, recommended that both the severed and retained parcels be serviced with municipal water, which is contrary to Perth East's

recommendation that the only existing dwelling be connected to the existing water main on William Shakespeare Street.

**Moved By:** Councillor Ehgoetz

**Seconded By:** Councillor Aitcheson

That Application B07/16 by Allan and Debra Morris 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 and 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.

If it has been determined that the subject property is a whole lot on an original Township Plan of Survey and an Exemption Order cannot be provided by a Land Registrar, satisfactory proof of same shall be provided by a Solicitor, with confirmation stating the reason why an Exemption Order cannot be provided.

3. 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.

4. That confirmation be received from the Township of Perth East that Deeming By-law No. 29-2016 has been registered against the subject property in the Land Registry Office.
5. That confirmation be received from the Township 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.
6. That confirmation be received from the Township that property taxes have been paid in full for the subject property.
7. That confirmation be received from the Township that a Lot grading and drainage plan be prepared to the Satisfaction of the Township and that the existing dwelling be connected to the existing water main on William Shakespeare Street.

Carried

#### **5.4 File No. B11/16**

Name of Applicant/Owner: Jim Harper

Legal Description: Lot 5 and Part Lot 4, Concession 9, Fullarton Ward, Municipality of West Perth

Nature of Application:

To create a new lot by severing an approximate 30 hectare, vacant agricultural parcel, while retaining approximately 30 hectares with an existing house, sheds, and barn.

The applicant, Jim Harper, and his agent, Trevor McNeil, were in attendance. Trevor commented that there is a municipal drain that cuts through the property as well as a small bush on the property. The remainder is workable farmland. There is approximately 150 acres that they would like to split into two 75 acre parcels. He also mentioned that at one time there was a house on the severed piece that fronted onto the side road so there were two sets of buildings on the property at one time. All the zoning requirements for area are met quite easily for West Perth and there are several properties in the immediate area of the same size. He is questioning the proposed condition requiring a ZBA to zone the severed and retained parcels for the intended residential uses as their

intention is to keep zoning as agricultural for farming. Planner Steve Cornwell clarified that the condition for rezoning can be safely dropped entirely as the proposal meets the zoning already. He explained the reason for Planning's recommendation for deferral is that the Provincial Policy Statement discourages lot creation in agricultural areas and only allows it in certain circumstances and these are things where they require the lots be size appropriate for the type of agricultural use common in the area, sufficiently large to maintain flexibility for future changes in the type or size of agricultural operations, these are the kinds of things that are reflected in the Official Plan with the relevant section being 5.6.2.1 where it talks about flexibility of expanding, diversifying, intensifying, etc. The applicant is suggesting that the 150 acre parcel, as it is now, is too large for it to operate normally from one single dwelling, so another lot, another dwelling is needed to farm this property and the Planning Dept. is suggesting that it is not satisfied with the explanation that has been provided so far, so are recommending deferral. Trevor McNeil countered that there are plenty of properties in the area that have less workable land than these and that there are plenty of opportunities for different types of agriculture on these properties and they are still quite large. Councillor Ehgoetz commented that these two properties happen to be in the same name and have merged by MPAC. Going back in the history books, one property was originally 62 acres and the other 91 acres. Very similar to a recent severance in Brodhagen, the only difference being is Mr. Harper wants to build a house. She is not in favour of deferring. Councillor Eidt commented that he knows it is the Planning Dept.'s mandate to make everybody move to town and nobody live in the county, we hear that time and time again. We still like the odd person living in the county in West Perth. There is nothing wrong with this. He sees a severed property here and there and would like to approve Mr. Harper's application.

**Moved By:** Councillor Ehgoetz

**Seconded By:** Councillor Aitcheson

That Application B11/16 by Jim Harper be granted provisional consent without the condition for rezoning, 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 and 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.

If it has been determined that the subject property is a whole lot on an original Township Plan of Survey and an Exemption Order cannot be provided by a Land Registrar, satisfactory proof of same shall be provided by a Solicitor, with confirmation stating the reason why an Exemption Order cannot be provided.

3. 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.
4. Confirmation be received from the Municipality of West Perth that all taxes have been paid in full.
5. Confirmation be received from the Municipality of West Perth that all financial requirements of the Municipality have been satisfied.

Carried

## 5.5 File No. B12/16

Name of Applicant/Owner: Clemens and Jo-Anne Schoonderwoerd

Legal Description: Part Lot 18, Concession 1, Mitchell Ward, Municipality of West Perth (99 Huron Road)

Nature of Application:

To create a new lot by severing a vacant 1048.9 square metre parcel for residential purposes while retaining a 3865.6 square metre parcel with an existing house and garage.

The applicant, Clem Schoonderwoerd, and his agent, Trevor McNeil, were in attendance. Trevor commented that the application is straight forward and that the applicant wishes to build a small retirement home on the severed lot. It's intended for family to live in the big house on the retained lot. Regarding dimensions, the severed lot is still a fair sized lot compared to lots in town, The rear line depth is set based on the minimum set-back from the garage. Planner, Steve Cornwell had no comments. Councillor Ehgoetz asked if MTO will require a permit. Trevor replied that they may require one, as usually when a property changes hands, they do require a new permit. He said there are two existing driveways now, so it may be just a matter of renewing a permit.

**Moved By:** Councillor Ehgoetz

**Seconded By:** Councillor Eidt

That Application B12/16 by Clemens and Jo-Anne Schoonderwoerd 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 and 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.

If it has been determined that the subject property is a whole lot on an original Township Plan of Survey and an Exemption Order cannot be provided by a Land Registrar, satisfactory proof of same shall be provided by a Solicitor, with confirmation stating the reason why an Exemption Order cannot be provided.

3. 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.
4. Confirmation be received from the Municipality of West Perth that all taxes have been paid in full.
5. Confirmation be received from the Municipality of West Perth that all financial requirements of the Municipality have been satisfied.
6. Confirmation be received from the Municipality of West Perth that the weeping bed, septic and well system on the retained lot has been decommissioned in accordance with provincial regulation and to the satisfaction of the Municipality of West Perth, at the cost of the applicant.
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 Municipality of West Perth in accordance with Section 65.1 of the Drainage Act 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

## 5.6 File No. B09/16

Name of Applicant/Owner: 2459825 Ontario Inc. (Tom Kerr)

Legal Description: Part Lot 34 and Lot 35, Registered Plan 185, Listowel Ward, Municipality of North Perth (Elma Street West)

Nature of Application:

To create a new lot by severing a vacant 6,132 square foot parcel for residential purposes, while retaining a vacant 11,688 square foot parcel. A semi-detached dwelling is proposed to be constructed on the severed portion, and a fourplex dwelling is proposed to be constructed on the retained portion.

The applicant, Tom Kerr, was in attendance. Neither Tom Kerr or Planner, Steve Cornwell had any comments. Councillor Eidt asked whether it was legal at the start to build two buildings on the property. Mr. Cornwell replied that there had been a zoning by-law amendment adopted that was set-up for the zoning to cover both of the properties whether they were still as one property or two properties, therefore no zoning is required as a condition of severance. He also clarified where the parking area would be.

**Moved By:** Councillor Eidt

**Seconded By:** Councillor Aitcheson

That Application B09/16 by 2459825 Ontario Inc. (Tom Kerr) 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 and 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.

If it has been determined that the subject property is a whole lot on an original Township Plan of Survey and an Exemption Order cannot be provided by a Land Registrar, satisfactory proof of same shall be provided by a Solicitor, with confirmation stating the reason why an Exemption Order cannot be provided.

3. 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.
4. Confirmation be received from the Municipality of North Perth that all financial requirements have been met (if any).
5. Confirmation from the Municipality of North Perth that 2.5 m (8.25 ft.) along the southerly side of the subject property along Elma Street West has been conveyed to the Municipality for road widening purposes.

Carried

## 5.7 File No. B17/16

Name of Applicant/Owner: Sun Haven Family Farms (Steven Toews)

Legal Description: Lot 22, Concession 11, Blanshard Ward, Township of Perth South (5095 Line 2)

Nature of Application:

To create a lot addition for aggregate extraction use by severing a 73,138 square metre parcel with an existing machinery shed, to be added to the abutting property to the west described as Part Lot 21, Concession 11, Blanshard Ward and owned by 419599 Ontario Limited, while retaining a 101,818 square metre parcel with an existing single family dwelling.

The applicant's father, Robert Toews, and agent, Delroy Brown of Archibald, Gray & McKay Ltd. were in attendance. Mr. Brown commented that the application is straight forward and that the severance lines run along the zoning lines. Steve Cornwell had no comment.

**Moved By:** Councillor Aitcheson

**Seconded By:** Councillor Eidt

That Application B17/16 by Sun Haven Family Farms (Steven Toews) 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 and 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.

If it has been determined that the subject property is a whole lot on an original Township Plan of Survey and an Exemption Order cannot be provided by a Land Registrar, satisfactory proof of same shall be provided by a Solicitor, with confirmation stating the reason why an Exemption Order cannot be provided.

3. 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.
4. Confirmation be received from the Township of Perth South that all taxes have been paid in full.
5. Confirmation be received from the Township of Perth South that all financial requirements have been met (if any).
6. That confirmation be received from the Township 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.
7. Confirmation be received from the Township of Perth South of an approved Zoning By-law Amendment to rezone the retained parcel to recognize the lot area and lot frontage deficiencies.
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 419599 Ontario Limited and described as Part Lot 21, Concession 11, Blanshard Ward, Township of Perth South, 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

#### **5.8 File No. B18/16**

Name of Applicant: Allan and Susan Mielke

Owners: John and Lucy Jorna

Legal Description: Lot 1, Concession 1, Lots 60 and 62, Registrar's Compiled Plan 511, Ellice Ward, Township of Perth East (284 Huron Road, Sebringville)

Nature of Application:

To create a lot addition by severing all of Lot 62, being an approximate 795 square metre, irregular-shaped vacant parcel, to be added to the abutting residential property described as Lot 61, Registrar's Compiled Plan 511 and owned by Allan and Susan Mielke, while retaining Lot 60, an approximate 2,078 square metre parcel with an existing house and accessories.

The applicant's agent, Peter Moreton of NA Geomatics Inc. was in attendance. He commented that as a point of clarity, the severed portion is all of Lot 62, save and except Part 4 on 44R-4186 which part is staying with the retained portion. He also asked Planner, Steve Cornwell for clarity regarding the proposed condition #5 requiring a ZBA to deal with

the deficient retained lands. Mr. Cornwell replied that it is his understanding that the retained lands do not quite have the required minimum lot area and the OP requires new lots to comply with the Zoning By-law. Peter then mentioned that he didn't realize that the retained area was deficient, this was news to him, and that he felt the deficiency would throw a wrench into the sale. He would have to speak to the PE Planner regarding this. Steve Cornwell had no further comments.

6. **Reports**

6.1 **New/File/Pending Files Report**

**Moved By:** Councillor Eidt

**Seconded By:** Councillor McKenzie

THAT the June 27<sup>th</sup>, 2016 report on new and pending applications be received for information.

Carried

7. **Correspondence – None**

8. **Appeals – None**

9. **Other Business – None**

10. **Closed Session Meeting and Reporting Out – No Closed Meeting**

11. **Next Meeting Date – August 29, 2016**

12. **Adjournment**

**Moved By:** Councillor Edit

**Seconded By:** Councillor McKenzie

THAT the meeting adjourn at 10:50 A.M.;

Carried