



**Corporation of the County of Elgin**  
**Land Division Committee**

**AGENDA**

**For Wednesday, February 23, 2022 9:00 A.M**

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- 1<sup>st</sup> Call to Order
- 2<sup>nd</sup> Requests for Deferral of Application or for any Request for Withdrawal of an Application
- 3<sup>rd</sup> Adoption of Minutes
- 4<sup>th</sup> Business Arising Out of Minutes
- 5<sup>th</sup> Disclosure of Pecuniary Interest or the General Nature Thereof
- 6<sup>th</sup> Correspondence – Items for Information  
  
Letter from Steve Clark - Minister of Municipal Affairs and Housing
- 7<sup>th</sup> Business Arising from Correspondence
- 8<sup>th</sup> New Business
- 9<sup>th</sup> Consent Applications
  - 9:20am E 5-22 Marilyn Ott - 9440 Graham Road - Municipality of West Elgin
  - 9:30am E 6-22 2869362 Ontario Inc. - 151 Rouen Street – Municipality of Central Elgin
  - 9:40am E 7-22 2869362 Ontario Inc. - 151 Rouen Street – Municipality of Central Elgin
  - 9:50am E 67-21 DeWild Farms Inc. - 20183 Marsh Line - Municipality of West Elgin
- 10<sup>th</sup> Date of Next Meeting
- 11<sup>th</sup> Adjournment



**VIRTUAL MEETING: IN-PERSON PARTICIPATION RESTRICTED**

**NOTE FOR MEMBERS OF THE PUBLIC:**

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<https://www.facebook.com/ElginCountyAdmin/>

**Accessible formats available upon request.**



**Corporation of the County of Elgin**

**Land Division Committee**

**Minutes**

**January 26, 2022**

County of Elgin Land Division Committee met this 26<sup>th</sup> day of January 2022. The meeting was held in a hybrid in-person/electronic format with Committee Members and staff participating as indicated below.

**Committee Members Present (electronic / in-person):**

Dugald Aldred (electronic)  
John Andrews (electronic)  
John R. “Ian” Fleck, Chairman (in-person)  
Rosemary Kennedy (electronic)  
Dennis O’Grady (electronic)  
John Seldon (electronic)  
Jack Van Kasteren, Vice-Chairman (electronic)

**Staff Present (in-person):**

Julie Gonyou, CAO & Clerk / Land Division Committee Secretary-Treasurer  
Brian Lima, General Manager of Engineering, Planning & Enterprise

**City of St. Thomas – Interim Planning Support (in-person):**

Kevin McClure, Planner

**1. CALL TO ORDER**

The meeting convened at 9:00 a.m. with John R “Ian” Fleck in the Chair.

**2. REQUESTS FOR DEFERRAL OF APPLICATION OR FOR ANY REQUEST FOR WITHDRAWAL OF AN APPLICATION**

None.

**3. ADOPTION OF MINUTES**

Moved by: Jack Van Kasteren  
Seconded by: John Seldon

RESOLVED THAT the minutes of the meeting held on December 15, 2021 be adopted as amended.

<b>Recorded Vote – Minutes</b>		Yes	No	Abstain
West Elgin	Dugald Aldred	X		
Dutton Dunwich	Ian Fleck	X		
Southwold	John Andrews	X		
Central Elgin	Dennis O’Grady	X		
Aylmer	Jack Van Kasteren	X		
Malahide	Rosemary Kennedy	X		
Bayham	John Seldon	X		
<b>TOTAL</b>		7	0	0

- Motion Carried.

#### 4. ELECTION OF CHAIR & VICE CHAIR

Land Division Secretary-Treasurer called for nominations for a new Chairman. Jack Van Kasteren nominated John R. “Ian” Fleck. John R. “Ian” Fleck agreed to let his name stand for the position of Chair.

No other nominations were received for the position of Chairman. Nominations closed.

Moved by: John Seldon

Seconded by: John Andrews

RESOLVED THAT John R. “Ian” Fleck be appointed to the position of Chairman of the Land Division Committee for 2022.

<b>Recorded Vote – Election of Chair</b>		Yes	No	Abstain
West Elgin	Dugald Aldred	X		
Dutton Dunwich	Ian Fleck	X		
Southwold	John Andrews	X		
Central Elgin	Dennis O’Grady	X		
Aylmer	Jack Van Kasteren	X		
Malahide	Rosemary Kennedy			X
Bayham	John Seldon	X		
<b>TOTAL</b>		6	0	1

- Motion Carried.

Land Division Secretary-Treasurer called from nominations for a new Vice Chairman.

John Andrews nominated Jack Van Kasteren for the position of Vice Chairman.

John R. "Ian" Fleck nominated Dennis O'Grady for the position of Vice Chairman.

Jack Van Kasteren agreed to let his name stand for the position of Vice Chairman.

Dennis O'Grady declined the nomination for position of Vice Chairman.

No other nominations were received for the position of Vice Chairman.  
Nominations closed.

Moved by: Rosemary Kennedy

Seconded by: John Andrews

RESOLVED THAT Jack Van Kasteren be appointed to the position of Chairman of the Land Division Committee for 2022.

<b><i>Recorded Vote – Election of Vice Chair</i></b>		Yes	No	Abstain
West Elgin	Dugald Aldred	X		
Dutton Dunwich	Ian Fleck	X		
Southwold	John Andrews	X		
Central Elgin	Dennis O'Grady	X		
Aylmer	Jack Van Kasteren			X
Malahide	Rosemary Kennedy	X		
Bayham	John Seldon	X		
<b>TOTAL</b>		6	0	1

- Motion Carried.

## 5. BUSINESS ARISING OUT OF MINUTES

None.

## 6. DISCLOSURE OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF

None.

## 7. CORRESPONDENCE

None.

## 8. BUSINESS ARISING FROM CORRESPONDENCE

None.

## 9. NEW BUSINESS

None.

## 10. APPLICATIONS FOR CONSENT:

### **Application E 50-21 – 9:20 a.m.**

**W.D Bronz Ltd.** 9222-9228 Alward St, Straffordville ON N0J 1Y0

The applicant proposes to sever a lot, containing an existing semi-detached dwelling, with a revised area of 814.8 square metres (0.20 acres) and retain a lot with a revised area of 879.1 square metres (0.217 acres), each proposed to be used for existing residential use (one unit of a semi-detached dwelling for each the severed and retained lots).

Original Decision: July 30, 2021

Amended Decision: January 26, 2022

Chairman Fleck requested that the applicant's agents and any interested parties who wish to speak to this application introduce themselves to the Committee.

Owner: Bill Braun (W.D. Bronz Ltd.) was present electronically.

Written submissions (\*) were received from the following:

<b>Submission</b>		<b>Comments</b>
1	Municipality of Bayham Council	Recommends approval of application subject to the conditions provided
2	Elgin County Engineering Services	Not on a County Road
3	Elgin County Planning Services	Recommends approval of application subject to the conditions provided
4	Other	n/a

(\*) A copy of the comment package which includes all correspondence received is

*available upon request.*

Moved by: Jack Van Kasteren

Seconded by: John Seldon

RESOLVED THAT the amended severance application E50-21 be approved subject to the following conditions:

1. A digital copy of the draft and final deposited reference plan be provided to the County of Elgin.
2. Solicitor Undertaking to provide copy of registered deed for the severed parcel once completed.

Additionally, the following conditions from the Municipality of Bayham be included as conditions for consent:

1. Digital Copy of the final survey;
2. Planning report fee payable to the municipality;
3. Cash in Lieu of parkland dedication fee payable to the Municipality;
4. Rezoning of both the retained and severed parcel to permit a reduced minimum lot area and reduced minimum lot frontage;
5. Provide confirmation of a registered Easement Agreement for the shared drainage swale.

<b>Recorded Vote – E 50-21</b>		Yes	No	Abstain
West Elgin	Dugald Aldred	X		
Dutton Dunwich	Ian Fleck	X		
Southwold	John Andrews	X		
Central Elgin	Dennis O’Grady	X		
Aylmer	Jack Van Kasteren	X		
Malahide	Rosemary Kennedy	X		
Bayham	John Seldon	X		
<b>TOTAL</b>		<b>7</b>	<b>0</b>	<b>0</b>

- Motion Carried.

**Application E 1-22 – 9:30 a.m.**

**Wendy D’Angelo**, 11789 Superior St, Springfield ON N0L 2J0

The applicants propose to sever a parcel with a frontage of 60.38 metres (198.10 feet) along Superior Street by a depth of 24.14 metres (79.20 feet) and an area of 0.14 hectares (.35 acres) for future residential use. The applicants are retaining 0.13 hectares (.32 acres), proposed to remain in residential use.

Chairman Fleck requested that the applicant's agents and any interested parties who wish to speak to this application introduce themselves to the Committee

Owner: Wendy D'Angelo was absent.

Agent: Matt Campbell representing Zelinka Priamo Ltd. was present electronically

Written submissions (\*) were received from the following:

Submission		Comments
1	Township of Malahide	No comments provided
2	Catfish Creek Conservation Authority	Staff have no objections to the application as submitted
3	Elgin County Engineering Services	No comments provided
4	Elgin County Planning Services	Recommends deferral until such time that a legal opinion letter is provided by the Owner or Agent that provides an interpretation on the status of Lots 105 – 110 in Registered Plan No. 78
5	Other	n/a

(\*) A copy of the comment package which includes all correspondence received is available upon request.

Moved by: Rosemary Kennedy

Seconded by: John Andrews

RESOLVED THAT application E 1-22 be deferred until such time that a legal opinion letter is obtained that provides an interpretation on the status of Lots 105 – 110 in Registered Plan No. 78, to ensure that the Land Division Committee is able to invoke its consent granting authority on this application through the Planning Act.

Recorded Vote – E 1-22		Yes	No	Abstain
West Elgin	Dugald Aldred	X		
Dutton Dunwich	Ian Fleck	X		
Southwold	John Andrews	X		
Central Elgin	Dennis O'Grady	X		
Aylmer	Jack Van Kasteren	X		
Malahide	Rosemary Kennedy	X		
Bayham	John Seldon	X		
<b>TOTAL</b>		<b>7</b>	<b>0</b>	<b>0</b>

- Motion Carried.

**Application E 2-22 – 9:40 a.m.**

**Kurt & Nicole Benoit-Smith**, 62 Victoria Street N, Aylmer ON N5H 2R3

The applicants propose to sever a parcel with a frontage of 18 meters (59.06 feet) along Victoria Street N., by a depth of 20.3 metres (66.60 feet) and an area of 0.036 hectares (0.09 acres) for future residential use. The applicants are retaining 0.045 hectares (0.11 acres) proposed to remain in residential use.

Chairman Fleck requested that the applicant's agents and any interested parties who wish to speak to this application introduce themselves to the Committee.

Owner: No representatives present

Agent: No representatives present

Written submissions (\*) were received from the following:

Submission		Comments
1	Town of Aylmer Council	Recommends approval of application subject to the conditions provided
2	Catfish Creek Conservation Authority	Staff have no objections to the application as submitted
3	Elgin County Engineering Services	Property is not located on a County Road.
4	Elgin County Planning Services	Recommends approval of application subject to the conditions provided
5	Other	n/a

*(\*) A copy of the comment package which includes all correspondence received is available upon request.*

Moved by: Jack Van Kasteren

Seconded by: Dugald Aldred

RESOLVED THAT severance application E 2-22 be approved subject to the following conditions:

1. A digital copy of the draft and final deposited reference plan be provided to the County of Elgin;
2. Solicitor Undertaking to provide a copy of registered deed for the severed parcel once completed;

3. Municipal addressing to be provided to Elgin County, from the local municipality, prior to final approval, to the satisfaction of Elgin County Planning;

Additionally, it is recommended that the following conditions from the Town of Aylmer be included as conditions for consent:

4. That the applicants initiate and assume all planning costs associated with the required Application for Minor Variance, with such cost to be paid in full to the Town of Aylmer and that the required process be successfully completed prior to the condition being deemed fulfilled;
5. The applicants provide confirmation of the location of any existing overhead or underground services installed to the 'lot to be retained'. Services cannot traverse the adjoining lots and any conflicts must be re-directed at the cost of the applicants, to the satisfaction of the Town of Aylmer;
6. That the 'lot to be severed' be individually connected to the municipal water supply and sanitary sewer with all costs, including applicable fees and charges, to be borne by the applicants, to the satisfaction of the Town of Aylmer.
7. That a draft reference plan, illustrating the 'lot to be severed' be prepared by an Ontario Land Surveyor for the purposes of facilitating the transaction of Application for Consent E 2-22, and that this plan be approved by the Town of Aylmer prior to being deposited at the Land Registry Office;
8. That municipal addressing be assigned to the 'lot to be severed' by the Town of Aylmer and that confirmation of municipal addressing be provided to Elgin County;
9. That an electronic version of the reference plan be submitted to the satisfaction of the Town of Aylmer;
10. That the Town of Aylmer advise the Secretary-Treasurer of the Land Division Committee that all requirements of the Town of Aylmer have been complied with.

<b>Recorded Vote – E 2-22</b>		Yes	No	Abstain
West Elgin	Dugald Aldred	X		
Dutton Dunwich	Ian Fleck	X		
Southwold	John Andrews	X		
Central Elgin	Dennis O'Grady	X		
Aylmer	Jack Van Kasteren	X		
Malahide	Rosemary Kennedy	X		
Bayham	John Seldon	X		
<b>TOTAL</b>		<b>7</b>	<b>0</b>	<b>0</b>

- Motion Carried.

**Application E 3-22 – 9:50 a.m.**

**Pioneer Hay Sales Ltd., 29013 Pioneer Line, Dutton ON N0L 1J0**



The applicants propose to sever a parcel with an area of 2.6 hectares (6.42 acres), containing one dwelling, a garage, a cabin, barn and a silo (silo to be removed), considered surplus to the applicant's farm operation. The applicants are retaining a parcel with an area of 34.6 hectares (85.5 acres) of vacant land, proposed to remain in agricultural use.

Chairman Fleck requested that the applicant's agents and any interested parties who wish to speak to this application introduce themselves to the Committee.

Agent: Jordan Fohkens representing B.M. Ross & Associates was present electronically

Written submissions (\*) were received from the following:

Submission		Comments
1	Township of Southwold Council	Recommends approval of a revised application subject to the conditions provided
2	Lower Thames Valley Conservation Authority	Staff have no objections to the application as submitted
3	Elgin County Engineering Services	Not on a County Road
4	Elgin County Planning Services	Recommends approval of application subject to the conditions provided
5	Other	n/a

(\*) A copy of the comment package which includes all correspondence received is available upon request.

Moved by: Jack Van Kasteren

Seconded by: John Andrews

RESOLVED THAT severance application E 3-22 be deferred to a future meeting in order to address concerns that were brought to the attention of the Land Division Committee by representatives from the Township of Southwold.

Recorded Vote – E 3-22		Yes	No	Abstain
West Elgin	Dugald Aldred	X		
Dutton Dunwich	Ian Fleck	X		
Southwold	John Andrews	X		

Central Elgin	Dennis O'Grady	X		
Aylmer	Jack Van Kasteren	X		
Malahide	Rosemary Kennedy	X		
Bayham	John Seldon	X		
<b>TOTAL</b>		<b>7</b>	<b>0</b>	<b>0</b>

- Motion Carried.

**Applications E 4-22 – 10:00 a.m.**

**Charles Wickens, Kara Deshaw, Frederick Deshaw**, 1228 Eagletrace Drive,  
London ON N6G 0K8

The applicants are proposing to convey a parcel of land with an area of area of 74.79m<sup>2</sup> to the abutting lot to the east, municipally known as 437 Edith Cavell Boulevard, the lands will be used to reconstruct the existing cottage that is currently encroaching on the subject lands. The applicants are proposing to retain a lot 29.32m x 13.7m and an area of 401.84m<sup>2</sup>, containing one cottage, proposed to continue to be used for residential use.

Chairman Fleck requested that the applicant's agents and any interested parties who wish to speak to this application introduce themselves to the Committee.

Agent: Mark T. Coombs representing Bowsher & Bowsher Law Firm was present electronically

Written submissions (\*) were received from the following:

<b>Submission</b>		<b>Comments</b>
1	Municipality of Central Elgin Council	No comments provided
2	Kettle Creek Conservation Authority	Staff have no objections to the application as submitted
3	Elgin County Engineering Services	No comments provided
4	Elgin County Planning Services	Recommends approval of application subject to the conditions provided
5	Other	n/a

*(\*) A copy of the comment package which includes all correspondence received is available upon request.*

Moved by: Dennis O'Grady  
Seconded by: Dugald Aldred

RESOLVED THAT severance application E 4-22 be approved subject to the following conditions:

1. A digital copy of the draft and final deposited reference plan be provided to the County of Elgin;
2. The severed land be merged in title with the abutting lot, municipality known as 437 West Edith Cavell Boulevard; and
3. Solicitor Undertaking whereby they inform the Committee in writing, that the lands are being conveyed to an abutting property owner and thus a merger of title will take place, which merger shall include all interests held inclusive or mortgagee's interest.

Additionally, it is recommended that the following conditions from the Municipality of Central Elgin be included as conditions for consent:

4. The applicant's solicitor demonstrates to the satisfaction of the Municipality of Central Elgin that the lot addition will not impact existing services (i.e., water, sewer, hydro), rights-of-ways and/or easements.
5. The severed land be merged in title with the abutting lot, municipality known as 437 West Edith Cavell Boulevard;
6. That Subsection 3 or 5 of Section 50 of the Planning Act, R.S.O., 1990, as amended shall apply to any subsequent conveyance or transaction involving the subject lands;
7. The Solicitor for the applicant is to provide an undertaking, whereby they inform the Committee in writing, that the lands are being conveyed to an abutting property owner and thus a merger of title will take place, which merger shall include all interests held inclusive or mortgagee's interest; and
8. The Municipality of Central Elgin be provided with a copy of the Reference Plan.

<b>Recorded Vote – E 4-22</b>		Yes	No	Abstain
West Elgin	Dugald Aldred	X		
Dutton Dunwich	Ian Fleck	X		
Southwold	John Andrews	X		
Central Elgin	Dennis O'Grady	X		
Aylmer	Jack Van Kasteren	X		
Malahide	Rosemary Kennedy	X		
Bayham	John Seldon	X		
<b>TOTAL</b>		<b>7</b>	<b>0</b>	<b>0</b>

- Motion Carried.

## 11. DATE OF NEXT MEETING

The Land Division Committee will meet again on February 23, 2022.

## 12.ADJOURNMENT

Moved by: Jack Van Kasteren

Seconded by: John Seldon

RESOLVED THAT the Committee adjourn at 10:15 a.m. to meet again on February 23, 2022 at 9:00 a.m.

<b><i>Recorded Vote - Adjournment</i></b>		Yes	No	Abstain
West Elgin	Dugald Aldred	X		
Dutton Dunwich	Ian Fleck	X		
Southwold	John Andrews	X		
Central Elgin	Dennis O'Grady	X		
Aylmer	Jack Van Kasteren	X		
Malahide	Rosemary Kennedy	X		
Bayham	John Seldon	X		
<b>TOTAL</b>		7	0	0

- Motion Carried.

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Julie Gonyou,  
Secretary-Treasurer.

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John "Ian" Fleck,  
Chair.

## **CORRESPONDENCE – February 23, 2020**

### **Items for Consideration – (Attached)**

1. Letter from Steve Clark – Minister of Municipal Affairs and Housing associated with Bill 13, the *Supporting People and Businesses Act, 2021* which came into force on December 2, 2021, and Bill 276, the *Supporting Recovery and Competitiveness Act, 2021* which came into force on January 1, 2022, following royal assent.

**Ministry of  
Municipal Affairs  
and Housing**

Office of the Minister  
777 Bay Street, 17<sup>th</sup> Floor  
Toronto ON M7A 2J3  
Tel.: 416 585-7000

**Ministère des  
Affaires municipales  
et du Logement**

Bureau du ministre  
777, rue Bay, 17<sup>e</sup> étage  
Toronto ON M7A 2J3  
Tél. : 416 585-7000



234-2022-61

Dear Head of Council:

The supply of housing in Ontario has not kept up with demand over the past decade and everyone has a role to play in fixing Ontario's housing crisis. More than ever, we need municipalities, non-profits and private industry to work with us to encourage the building of different kinds of housing – so that Ontario families have more affordable options.

To help support this important priority, I am pleased to provide you with an update on recent changes our government has made to help streamline and simplify Ontario's planning system.

**Bill 13, the *Supporting People and Businesses Act, 2021***

Schedule 19 of Bill 13, the *Supporting People and Businesses Act, 2021* came into force December 2, 2021 upon royal assent.

Changes have been made to help streamline the planning system and, in some cases, help shorten approval timelines by providing municipal councils broader authority to allow more planning decisions to be made by committees of council or staff. Municipalities can now, subject to having appropriate official plan policies, delegate decisions dealing with minor amendments to zoning by-laws, such as temporary use by-laws and the lifting of holding symbols, should they choose to.

You can find more information about these changes on the Environmental Registry of Ontario ([019-4419](https://www.ontario.ca/environmental-registry)) and the Regulatory Registry ([21-MMAH025](https://www.ontario.ca/regulatory-registry)) and some frequently asked questions are provided below.

At this time, I encourage you to review and update your existing delegation policies and consider exercising this new authority to help streamline your decision-making processes, and free up council's valuable time to focus on other more strategic matters.

**Bill 276, the *Supporting Recovery and Competitiveness Act, 2021***

As you know, we also recently made *Planning Act* changes related to control of the division of land, including subdivision control, plans of subdivision, consents and validations through Bill 276, the *Supporting Recovery and Competitiveness Act, 2021*, which received Royal Assent on June 3, 2021. I am writing to confirm that Schedule 24 of Bill 276 and associated regulations came into force on January 1, 2022.

We are proud to make these changes, which will help save time and money for those involved in the land division approval process, including municipalities, landowners, purchasers and some lease holders. Our changes will continue to protect Ontarians when they buy and sell property, while making the rules of subdivision control clearer and simpler.

Your municipality may wish to consider whether adjustments to your land division application and review processes to align with the changes would be beneficial.

More information about these changes and the feedback we received during our consultation can be found on the Environmental Registry of Ontario ([019-3495 and 019-3958](#)) and Regulatory Registry ([Proposal 21-MMAH008 and Proposal 21-MMAH015](#)). Some frequently asked questions are provided below. Any further questions about the changes to the *Planning Act* and related regulations can be directed to [ProvincialPlanning@ontario.ca](mailto:ProvincialPlanning@ontario.ca).

Sincerely,



Steve Clark  
Minister

c: Chief Administrative Officer

# FAQs

## Schedule 19 (Planning Act) to Bill 13, the Supporting People and Businesses Act, 2021

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### What changes have been made to the Planning Act?

- Changes to the Planning Act, Municipal Act, 2001 and City of Toronto Act, 2006 provide municipalities with discretionary authority to delegate additional decisions to committees of council or municipal staff for minor amendments to zoning by-laws like:
  - Temporary use by-laws
  - Lifting of holding provisions
- Before matters may be delegated, official plan policies will need to be developed to establish the type of minor zoning by-law amendments that may be delegated, such as authorization of temporary uses, the lifting of a holding symbol, and other minor zoning by-law amendments.

### What types of “minor” amendments to a zoning by-law may be delegated?

- If a municipality would like to use this authority, official plan policies will need to be established to scope and define the types of “minor” zoning amendments that may be delegated. This could include matters like temporary use by-laws and by-laws lifting holding provisions.
- This approach is intended to allow for a locally tailored approach that reflects input from the public.

### What types of conditions could council apply when delegating its authority?

- Council will have the ability to apply conditions on the delegation of its decision(s). These conditions would be determined locally when the official plan policies and implementing by-law for the delegation are being developed.

### Will this new delegation authority alter the public meeting or appeal rights of the matters delegated?

- The delegation of additional planning matters would not alter any notice or public meeting requirements or limit appeal rights.

### What other planning decisions can be delegated?

- Under the Planning Act, municipal council can delegate the following decisions to a committee of council, staff, or, in some cases, a committee of adjustment:
  - Community planning permit system permits
  - Approval of adopted lower-tier official plan amendments
  - Plans of subdivision and condominiums
  - Consents
  - Site plan
  - Validations
- Other planning matters, such as administrative functions related to by-laws, may be delegated by council based on the delegation provisions in the Municipal Act, 2001 (or City of Toronto Act, 2006).



## **Schedule 24 (Planning Act) to Bill 276, the Supporting Recovery and Competitiveness Act, 2021**

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### **What changes will be made to the Planning Act?**

- The changes include technical, administrative and policy changes to provisions in sections 50, 51, 53, 54, 55 and 57 of the Planning Act related to control of the division of land, as well as other housekeeping or consequential changes.
- Upon proclamation, the changes will:
  - provide new exceptions to subdivision control and part lot control (i.e., exceptions from the need for land division approval) – for example, by preventing parcels from merging with other lands in certain circumstances
  - change the plan of subdivision process – for example, by aligning the requirements for public notice, information, and public meetings with other instruments under the Act
  - change the consent application process – for example, by requiring a municipality or the Minister, where requested, to issue a certificate for the retained land in addition to providing a certificate for the lands that are subject to the consent application, and
  - make other changes regarding subdivision control and its related processes – for example, by requiring that a decision on a validation conform with the same criteria which are applicable to consents.

### **What changes will be made with respect to “lot mergers”?**

- Changes will be made to the subdivision control provisions to prevent lots from merging where lands were previously owned by, or abutted land previously owned by, joint tenants and where the ownership would have otherwise merged as a result of the death of one of the joint tenants.
- Outside of a “death of a joint tenant” scenario, lot mergers will continue to occur.

### **What changes will be made to the consent application process?**

- Changes will be made to the consent application process to, for example:
  - permit a purchaser of land or the purchaser’s agent to apply for a consent
  - establish a new certificate of cancellation
  - provide for certificates to be issued in respect of retained land in addition to the lands that are subject to the consent application
  - provide for a standard two-year period during which the conditions of a consent must be satisfied, and
  - permit a consent application to be amended by an applicant prior to a decision about the consent being made by the consent-granting authority.
- Municipalities may need to modify or update certain administrative processes as a result of some of these changes.

### **What is a certificate for retained land?**

- Changes to the Planning Act will provide for a consent-granting authority to issue a certificate for the retained land (the other part of the parcel approved through the land division process) resulting from certain consents.
- This certificate will show that the retained land has “consent” status.
- An applicant will need to specify in their application whether they are requesting a retained land certificate, and if so, require that a statement from a solicitor

confirming the extend of the owner's retained land be included as part of that application.

### **What is a certificate of cancellation?**

- In some situations, the original consent granted for a parcel of land may no longer be wanted or needed. This could occur, for example, where a parcel created by consent may need to be widened to accommodate a driveway. In these cases, the original consent may need to be cancelled to ensure the revised parcel will function as a single unit.
- Changes to the Planning Act will allow owners to apply to the consent-granting authority for a certificate of cancellation for a parcel that was previously severed with a consent. The consent-granting authority may also require the owner to apply as a condition of approval.
- Once a certificate of cancellation is issued, the parcel would be treated as though the previous consent had not been given. This could mean that the parcel would merge with neighbouring lands that are owned by the same person.

### **What considerations need to be applied to validation requests?**

- A validation can be used in place of obtaining a consent to the contravening transaction (transfer or other transaction that was made in breach of the Planning Act requirements) in certain situations; for example, where the landowners at the time of the contravention are not available to sign the new transfer documents.
- The validation allows the validation authority to consider each situation on its merits and decide whether a request to validate title should be supported. The validation authority may, as a condition to issuing the validation, impose conditions as it considers appropriate.
- Bill 276 will make changes to require that a decision regarding a validation must conform with the same criteria which are applicable to consents, for example:
  - having regard to provincial interests and the land division criteria set out in the Planning Act
  - ensuring the validation is consistent with the Provincial Policy Statement and conforms, or does not conflict, with provincial plans, and
  - ensuring the validation conforms with all applicable official plans.



**CORPORATION OF THE COUNTY OF ELGIN  
NOTICE OF APPLICATION FOR CONSENT  
APPLICATION NO. E 5-22**

**LOT 19, CONCESSION 12  
MUNICIPALITY OF WEST ELGIN  
MUNICIPAL ADDRESS: 9440 GRAHAM ROAD**

**TAKE NOTICE that** an application has been made by Marilyn Ott, 706169 Township Rd 2, Woodstock, ON N4S 7V9 for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 9440 Graham Road, Municipality of West Elgin.

The applicants propose to sever a parcel with a frontage of 21.86 metres (71.72 feet) along Graham Road by a depth of 68.67 metres (225.30 feet) and an area of 0.15 hectares (0.37 acres) to create a new residential lot. The applicants are retaining 1.07 hectares (2.64 acres), proposed to remain in residential use.

The location of the property is shown on the Key Map attached.

**ADDITIONAL INFORMATION** regarding the application is available for inspection daily, Monday to Friday, between 8:30 A.M. and 4:30 P.M., at the County Municipal Offices, 450 Sunset Drive, St. Thomas or at a Public Hearing to be held on:

**WEDNESDAY February 23, 2022 AT 9:20 AM.  
BY VIDEO/TELEPHONE CONFERENCE OR IN PERSON AT  
Council Chambers, County Municipal Offices, 450 Sunset Drive, St. Thomas**

Any person or public body may attend the Public Hearing and/or make written or verbal representation either in support of, or in opposition to the proposed consent.

**PLEASE NOTE: YOUR PARTICIPATION BY VIDEO/TELECONFERENCE IS PREFERRED.**

**DUE TO PROVINCIAL ORDERS, ATTENDANCE IN PERSON MAY BE RESTRICTED. PLEASE CONTACT [landdivision@elgin.ca](mailto:landdivision@elgin.ca) AT LEAST 24 HOURS BEFORE THE MEETING TO ARRANGE FOR VIDEO/TELECONFERENCE OR TELEPHONE INFORMATION, OR TO CONFIRM IF IN PERSON ATTENDANCE IS POSSIBLE.**

If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee. This will also entitle you to be advised of any appeal to the Ontario Land Tribunal.

If a person or public body that files an appeal of a decision of the Land Division Committee in respect of the proposed consent does not make written or oral submissions to the Land Division Committee before it gives or refuses to give a provisional consent, the Ontario Land Tribunal may dismiss the appeal.

Dated at the Municipality of Central Elgin this 25<sup>th</sup> day of January, 2022.

Julie Gonyou  
Secretary-Treasurer  
Land Division Committee

**County of Elgin  
Planning Department**  
450 Sunset Drive  
St. Thomas, Ontario  
N5R 5V1 Canada  
Phone: 519-631-1460  
Fax: 519-631-4549  
[www.progressivebynature.com](http://www.progressivebynature.com)



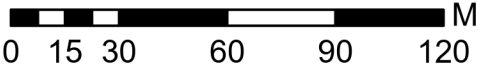


Location Map

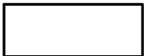


Subject Site: 9440 Graham Rd.  
File Number: E 5-2022  
Owner: Marilyn Ott  
Planner: Unknown  
Created By: TE  
Date: 01/12/2022

The Corporation of the County Elgin  
Prepared By: Planning and Development



Legend



Subject Site



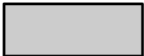
Severed



Retained

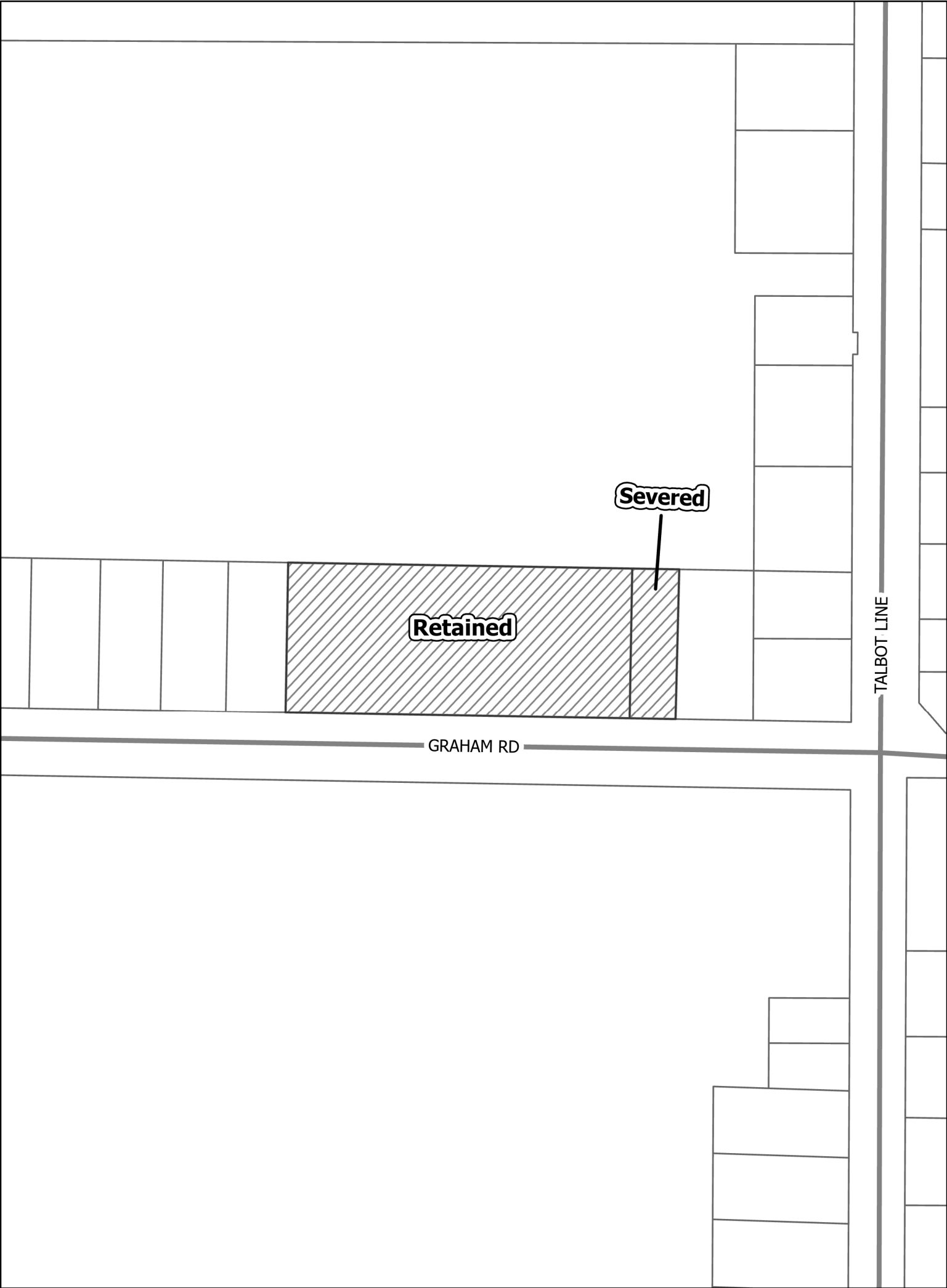


Elgin Road Network



Buildings



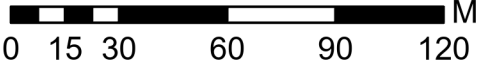


# Location Map

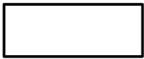


Subject Site: 9440 Graham Rd.  
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The Corporation of the County Elgin  
Prepared By: Planning and Development



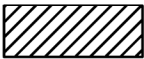
## Legend



Subject Site



Severed



Retained



Elgin Road Network



Buildings



# Municipality of West Elgin

22413 Hoskins Line, Rodney, Ontario N0L 2C0

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VIA E-MAIL ONLY

January 28, 2022

County of Elgin  
Land Division Committee  
c/o Julie Gonyou, Secretary-Treasurer  
450 Sunset Drive  
St. Thomas, Ontario N5R 5V1  
E-mail: [landdivision@elgin.ca](mailto:landdivision@elgin.ca)

Ms. Gonyou:

**RE: Municipality of West Elgin Consent Application - Comments to the County of Elgin**  
**County File Number: E5-22**  
**Legal Description: Part Lot 19, Concession 12**

Please be advised that the Municipality of West Elgin have reviewed the above noted application. Please find attached the following documentation, as it relates to the above noted files:

1. West Elgin Council Resolution 2022-22, dated January 28, 2022;
2. Planning Staff Report 2022-02: Consent Application E5-22 – Comments to County of Elgin, dated January 27, 2022; and
3. E5-22 Municipal Appraisal Form.

Should you have any questions or concerns, please do not hesitate to contact this Planning Office.

Yours truly,

*Bryan Pearce*

Bryan Pearce, HBA, CPT, MCIP, RPP  
Planner  
Municipality of West Elgin  
22413 Hoskins Line  
Rodney ON N0L 2C0  
Phone: (519) 785-0560  
Cell: (519) 280-1028  
Fax: (519) 785-0644  
Email: [planning@westelgin.net](mailto:planning@westelgin.net)

cc.

Marilyn Ott, Owner (Email: [mott@fanshawec.ca](mailto:mott@fanshawec.ca))



# The Municipality of West Elgin

22413 Hoskins Line, Rodney Ontario N0L 2C0

January 28, 2022

At the Regular Meeting of Council on January 27, 2022 the Council of the Municipality of West Elgin passed the following Resolution:

**Resolution No. 2022- 22**

**Moved: Councillor Rowe**

**Seconded: Councillor Cammaert**

That West Elgin Council hereby receives the report from Bryan Pearce, Planner, regarding the consent application, File E5-22 – Comments to County of Elgin (Planning Report 2022-02);

And that West Elgin Council hereby recommends approval to the Land Division Committee of the County of Elgin for the consent application, File E5-22, subject to the Lower-Tier Municipal conditions in Appendix Two of the report;

And further that West Elgin Council directs Administration to provide the report as Municipal comments to the County of Elgin.

**Carried**

Jana Nethercott  
Clerk



# MUNICIPALITY OF West Elgin

## Staff Report

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**Report To:** Council Meeting

**From:** Bryan Pearce, Planner

**Date:** 2022-01-27

**Subject:** Consent Application E5-22 – Comments to County of Elgin (Planning Report 2022-02)

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### **Recommendation:**

That West Elgin Council hereby receives the report from Bryan Pearce, Planner, regarding the consent application, File E5-22 – Comments to County of Elgin (Planning Report 2022-02);

And that West Elgin Council hereby recommends approval to the Land Division Committee of the County of Elgin for the consent application, File E5-22, subject to the Lower-Tier Municipal conditions in Appendix Two of this report;

And further that West Elgin Council directs Administration to provide this report as Municipal comments to the County of Elgin.

### **Purpose:**

The purpose of this Report is to provide Council with recommendations related to authorizing municipal comments to the County of Elgin regarding County of Elgin Consent Application E5-22, as Elgin County is the planning approval authority for consents.

The purpose of the application is to facilitate the residential lot creation within the hamlet of Eagle.

### **Background:**

Below is background information from the application, in a summary chart:

<b>Application</b>	E5-22
<b>Owner</b>	Marilyn Ott
<b>Applicant</b>	Same as owner
<b>Legal Description</b>	Part Lot 19, Concession 12
<b>Civic Address</b>	9440 Graham Road
<b>Entrance Access</b>	Graham Road
<b>Water Supply</b>	Publicly owned and operated piped water system
<b>Sewage Supply</b>	Privately owned and operated individual septic tank
<b>Existing Land Area</b>	1.22 ha (3.01 ac)



Below is the detailed dimensions and land areas of the application, in a chart:

Application	Severed Parcel			Retained Parcel		
	Frontage	Depth	Area	Frontage	Depth	Area
E5-22	21.86 m (71.73 ft)	68.67 m (225.30 ft)	0.15 ha (0.37 ac)	153.47 m (503.50 ft)	68.67 m (225.29 ft)	1.07 ha (2.64 ac)

The Public Hearing is scheduled for February 23, 2022 at the Elgin County Land Division Committee Meeting.

Figure One below, depicts the existing parcel of the Ott Lands.



The severed and retained parcels for E5-22 are shown in a consent sketch, is attached to this report as Appendix One for reference purposes. There are abilities to further subdivide the proposed retained parcel into rural residential lots, should the Owner wish to proceed in the future, as Planning Staff has further detailed with the Owner of the lands.

### **Financial Implications:**

None. Application fees were collected in accordance with the Municipality's Fees and Charges By-law, as amended time to time.

### **Policies/Legislation:**

Planning authorities must have regard to matters of Provincial interest, the criteria of the *Planning Act*, be consistent with the Provincial Policy Statement (PPS) and does not conflict with Provincial Plans. Within the Municipality of West Elgin, they must also make decisions that conform to the County of Elgin Official Plan (CEOP) and Municipality of West Elgin Official Plan (OP) and make decisions that represent good land use planning.

With regard to this proposal involving severances, the Planning Authority is the County of Elgin Land Division Committee, wherein the Municipality provides agency comments to the County of Elgin as part of their decision-making process.

### **PPS:**

Lot creation is permitted within the Settlement Areas in accordance with Section 1.1 of the PPS.

The proposal appears to be consistent with the PPS.

### **CEOP:**

The subject lands are designated Tier II Settlement Areas on Schedule 'A' Land Use in the CEOP, wherein detailed land use designations are provided within the OP.

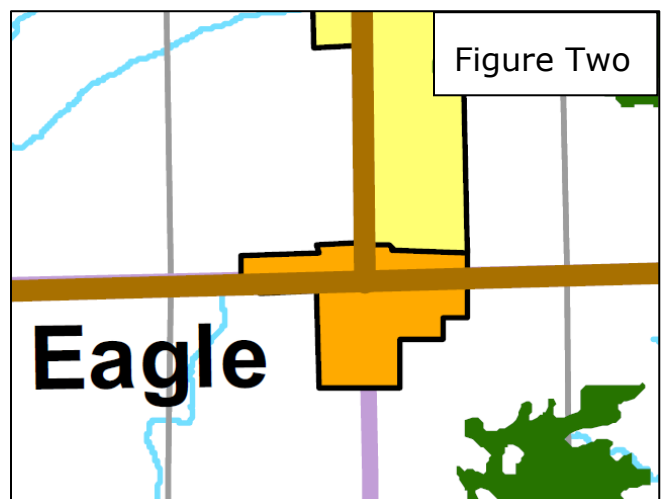
New lot creation policies of the CEOP contained under Section E1.2.3.1, has 13 criteria listed and would appear to be achieved with this proposal will be partially serviced, will not affect drainage patterns in the area, and entrance access to the lands can be obtained through Graham Road.

Therefore, this proposal appears to conform to the CEOP.

### **OP:**

The subject lands are designated as Hamlet and Rural Residential, as shown on Rural Area Land Use and Transportation Plan Schedule 'E' of the OP, as shown on Figure Two, with the orange colour being the Hamlet designation and the yellow colour being the Rural Residential designation. The proposed severed parcel would be in the Hamlet designation and the retained parcel would be in the Rural Residential designation.

The Hamlet designation permits primarily single unit dwellings as well as some secondary uses of small-scale commercial, industrial, institutional and recreational uses and home occupations with limited servicing needs.



The Rural Residential designation permits primarily single unit dwellings on large lots and secondary uses of home occupations.

Lot creation polices under Section 10.4.1 of the OP, allows for severance (consent) applications to be the method utilized since no infrastructure is warranted with this proposed development and is in compliance with the criteria of Section 51(24) of the *Planning Act*.

Therefore, this proposal appears to conform to the OP.

### **Municipality of West Elgin Comprehensive Zoning By-law 2015-36 (ZBL):**

The subject lands are zoned Hamlet (HR) and Rural Residential (RR) on Schedule E and Schedule A, Map 70 of the ZBL, as depicted in Figure Three to the right.

The proposed new lot would be within the Hamlet (HR) Zone at the southern portion of the subject lands. The HR Zone requires a minimum lot frontage of 25 metres and a minimum lot area of 1000 square metres. As the proposed severed parcel is 21.862 metres of frontage and 1,502.75 square metres, relief will be required for the minimum lot frontage, as a condition of consent. The existing site location of the dwelling and garage on the severed parcel would comply to the zoning provisions.



The proposed retained parcel would be within the Rural Residential (RR) Zone and would comply with the zoning provisions.

Therefore, it would appear that the proposal would comply with the ZBL, subject to relief being obtained.

### **Interdepartmental Comments:**

The consent application was circulated to municipal staff for comment, the following comments were received:

- Drainage Department
  - This property is assessed into 2 Municipal Drains – Staddon and Mumford Drains.
  - The proposed severed parcel, according to information in the drainage reports, has its own roll number and was assessed separately for the Staddon Drain.

- For the Mumford Drain this property was re-apportioned in 1997 to create 2 lots to the north. In the same apportionment the proposed severed lot was also separately apportioned under its own Roll Number.
- Since the proposed new lot will be smaller than what the records show an adjustment may have to be made to balance the drainage assessment.
- Building Department
  - The applicants will require a septic inspection by the Building Department to view location and working order of the existing system. Please have the applicants contact the Chief Building Official to coordinate a site visit with their licensed sewage system installer when weather permits to view the system.

Planning Staff notes that this can be addressed as a condition of consent by being re-apportioned and septic inspection and assessment being completed for the lands.

No other department comments were received.

All recommended lower-tier municipal conditions have been compiled within Appendix Two of this report.

### **Summary:**

Therefore, it is Planning Staff's opinion that the proposed lot creation consent, would appear to be consistent with the PPS, conforms to the CEOP and conforms to the OP, complies with the ZBL (subject to relief); and that Council recommends to the County of Elgin that the consent be approved, subject to the lower-tier municipal conditions listed in this report.

The County of Elgin, as the Planning Approval Authority, will have to review the application accordingly against the planning documents (PPS, CEOP, OP and ZBL) and obtain comments from the other agencies and members of the public through the public consultation process, as part of their decision-making on the planning application.

Respectfully Submitted,

Bryan Pearce, HBA, CPT, MCIP, RPP  
Planner  
Municipality of West Elgin





## **Planning Report 2022-02: Appendix Two**

### **Consent Application E5-22 – West Elgin Conditions**

Consent Application E5-22 Conditions:

1. That the Applicant meet all the requirements, financial and otherwise of the Municipality, to the satisfaction and clearance of the Municipality.
2. That the Applicant provides a description of the lands to be severed which can be registered in the Land Registry Office, to the satisfaction and clearance of the Municipality.
3. That the Applicant's Solicitor provides an undertaking to the Municipality, to provide a copy of the registered deed for the severed parcel once the transaction has occurred to the Municipality.
4. That the Applicant shall make payment of cash-in-lieu of applicable parkland dedication pursuant to Section 51.1 of the *Planning Act*, to the satisfaction and clearance of the Municipality.
5. That the Applicant successfully apply to the Municipality for a Minor Variance/Zoning By-law Amendment for the severed parcel and having such relief/rezoning of the Zoning By-law come into full force and effect pursuant to the Planning Act, to the satisfaction and clearance of the Municipality.
6. That the Applicant have a drainage reapportionment completed pursuant to the *Drainage Act*, to the satisfaction and clearance of the Municipality.
7. That the Applicant shall have a septic system assessment be completed by a qualified individual, on the proposed severed parcel to ensure that the existing privately owned and operated septic system is in working order and proper location and complete any improvements necessary, through a septic inspection, to the satisfaction and clearance of the Municipality.
8. That the Applicant shall have a septic system assessment be completed by a qualified individual, on the proposed retained parcel to ensure that the lands are suitable for a privately owned and operated septic system, to the satisfaction and clearance of the Municipality.
9. That the Applicant's Solicitor provide a request for clearance of conditions to the Municipality, demonstrating how all the conditions of consent has been fulfilled, to the satisfaction and clearance of the Municipality.
10. That prior the final approval of the County, the County is advised in writing by the Municipality how the above-noted conditions have been satisfied.
11. That all conditions noted above shall be fulfilled within two years of the Notice of Decision, so that the County of Elgin is authorized to issue the Certificate of Consent pursuant to Section 53(42) of the *Planning Act*.

## MUNICIPAL APPRAISAL SHEET – LAND DIVISION COMMITTEE

Your assistance is requested in answering the questions below. Please complete Parts 1 and 2 and submit to the Secretary Treasurer of the Land Division Committee as soon as possible. Please complete and submit Part 3 once the local Council has provided a recommendation on the application.

Submission E5-22

Owner: Marilyn Ott

Applicant/Agent: Same as Owner

Location: Part Lot 19, Concession 12

### PART 1 - OFFICIAL PLAN

- |   |   |                                 |
|---|---|---------------------------------|
| 1. Is there an O.P. in effect?              | Yes ( <input checked="" type="checkbox"/> ) | No ( <input type="checkbox"/> ) |
| 2. Does the proposal conform with the O.P.? | Yes ( <input checked="" type="checkbox"/> ) | No ( <input type="checkbox"/> ) |

Land Use Designation: Hamlet and Rural Residential – West Elgin Official Plan

Policies: Sections 6.2, 6.4, and 10.4.1

### PART 2 - ZONING

- |   |   |  |
|---|---|--|
| 3. Is there a By-Law in effect?                                   | Yes ( <input checked="" type="checkbox"/> ) | No ( <input type="checkbox"/> )            |
| 4. Does the proposal conform with all requirements of the By-Law? | Yes ( <input type="checkbox"/> )            | No ( <input checked="" type="checkbox"/> ) |

Comments:

Relief to the Zoning By-law is required for the severed parcel.

- |  |   |                                 |
|--|---|---------------------------------|
| 5. If not, is the Municipality prepared to amend the By-Law? | Yes ( <input checked="" type="checkbox"/> ) | No ( <input type="checkbox"/> ) |
|--|---|---------------------------------|

### PART 3 – COUNCIL RECOMMENDATION – please complete below and send to the Secretary Treasurer of the Land Division Committee and attached any comments, staff reports(s) and Council resolutions/recommendations

- |   |   |  |
|---|---|--|
| 6. Does the Municipality foresee demand for new municipal services? | Yes ( <input type="checkbox"/> )            | No ( <input checked="" type="checkbox"/> ) |
| 7. If so, is the Municipality prepared to provide those services?   | Yes ( <input type="checkbox"/> )            | No ( <input type="checkbox"/> )            |
| 8. Does the Municipality wish the Committee to impose conditions?   | Yes ( <input checked="" type="checkbox"/> ) | No ( <input type="checkbox"/> )            |
| 9. Does Council recommend the application?                          | Yes ( <input checked="" type="checkbox"/> ) | No ( <input type="checkbox"/> )            |

10. Does the municipality have other concerns that should be considered by the Committee?

All local municipal interests are contained within the West Elgin Planning Staff Report 2022-02.

January 25, 2022

Municipality of West Elgin  
22413 Hoskins Line  
Rodney, ON N0L 2C0

Attn: **Brian Lima**

Re: **Consent Application E 5-22**  
**9440 Graham Road (Ott)**  
**Part Lot 19, Concession 12**  
**Municipality of West Elgin**

Please be advised that the above-mentioned application has been reviewed by this office and staff have no objections to the proposal as submitted to this office. The Conservation Authority is responsible for addressing the Natural Hazard Section of the Provincial Planning Policy Statement as well as the Conservation Authority's Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation, O. Reg. 152/06 under the Conservation Authorities Act. After reviewing our files and mapping, staff determined that the property in question is not subject to the Authority's regulations.

The lands are not subject to flooding of a general nature and as such structures are not required to be flood proofed. However, localized flooding may occur on the property; the flood proofing of structures for the purposes of prevention of flood damage from local, overland drainage waters is always recommended.

I trust this is satisfactory, but if you should have any questions, or require more information, please call the office.

Yours truly



Connor Wilson  
Planning Technician



**COUNTY OF ELGIN ROAD SYSTEM**

DATE: January 25, 2022 ELGIN COUNTY ROAD NO.: 76 – 9440 Graham Road

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE

RE:

APPLICATION NO.: E 5-22

OWNER: Marilyn Ott

PROPERTY: LOT NO. 19 CONCESSION: 12

REG'D PLAN: MUNICIPALITY: West Elgin

The notice of the above application on the above premises has been received and I have the following comments to make:

- 1) Land for road widening is required .....  
*[Section 51 (25) of the Planning Act - That the owner dedicate lands along the frontage of the severed and retained lot/parcel up to m from the centreline of construction of County Road ( ) to the County of Elgin for the purposes of road widening if the right of ways is not already to that width, to the satisfaction of the County Engineer. All costs to be borne by the owner.*
- 2) A one-foot reserve is required along the N \_\_\_\_\_,  
S \_\_\_\_\_, E \_\_\_\_\_ and/or W \_\_\_\_\_ property line .....
- 3) Drainage pipes and/or catchbasin(s) are required .....
- 4) A Drainage Report is required under the Drainage Act \* (By Professional Engineer).....
- 5) A curb and gutter is required along the frontage .....
- 6) Direct Connection to a legal outlet for the severed lot is required - If an existing connection is unavailable, to the satisfaction of the County Engineer. All costs to be borne by the owner. Discharge of water to the County road allowance is prohibited.....

X
- 7) Technical Reports .....
- 8) That, if necessary, an entrance permit be obtained from Elgin County for a new entrance to the severed and/or retained parcels. All costs associated with this shall be borne by the owner.....

X
- 9) Lot Grading Plan is required for the severed lot.....

X
- 10) The County has no concerns.....
- 11) Not on County Road .....
- 12) Please provide me with a copy of your action on this application .....
- 13) Other...

Note: These lands are subject to County of Elgin By-Law No. 92-57, as amended by By-Law No. 96-45, and any amendments made thereto hereafter, being a by-law to regulate the construction or alteration of any entranceway, private roads or access to a County road.



BRIAN LIMA, P. ENG.  
GENERAL MANAGER OF ENGINEERING,  
PLANNING & ENTERPRISE / DEPUTY CAO



**County of Elgin**  
450 Sunset Drive  
St. Thomas, Ontario  
N5R 5V1 Canada  
Phone: 519-631-1460  
Fax: 519-633-7661  
www.elgin-county.on.ca

APPLICATION FOR CONSENT PURSUANT TO SECTION 53 OF THE PLANNING ACT,  
1990, AS AMENDED.

**To:** Elgin County Land Division Committee  
**From:** St. Thomas Planning & Building Department  
**Date:** February 15, 2022  
**Application:** E 5-22

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**Owner:**

Marilyn Ott  
706169 Township Road 2, Woodstock, ON N4S 7V9

**Location:** 9440 Graham Road, Part Lot 19, Concession 12, Municipality of West Elgin.

**PROPOSAL**

The applicant proposes to sever a parcel with a frontage of 21.86 metres (71.73 feet) along Graham Road, by a depth of 68.67 metres (225.30 feet) and an area of 0.15 hectares (0.37 acres) to remain in residential use. The applicants are retaining 1.07 hectares (2.64 acres) for potential future rural residential use.

**County of Elgin Official  
Plan**

Settlement Area Tier 2

**Local Municipality Official  
Plan**

Hamlet and Rural  
Residential

**Local Municipality Zoning  
By-law**

Hamlet (HR) and Rural  
Residential (RR)

**REVIEW & ANALYSIS:**

**Public and Agency Comments**

*Municipality of West Elgin – Planning Staff’s opinion is that the proposed lot creation by consent, would appear to be consistent with the PPS, conforms to the County of Elgin Official Plan and conforms to the Municipality’s Official Plan, complies with the zoning by-law (subject to relief through a minor variance of zoning by-law amendment); and that Council recommends to the County of Elgin that the consent be approved, subject to the lower-tier municipal conditions listed in the report.*

*County Engineering – Property is located on a County Road.*

*Lower Thames Conservation Authority (LTCA)– The (LTCA) had no concerns with the above noted application. Specific comments provided through separate letter.*

### Planning Act and Provincial Policy Statement

In considering this application, staff must have regard to matters of Provincial Interest in accordance with Section 2 of the Planning Act (PA), and subdivision criteria in accordance with Section 51(24) of the PA.

The application shall also be consistent with the 2020 Provincial Policy Statement (PPS). Policy 1.1.3 (Settlement Areas) outlines that settlement areas including cities, towns, villages and hamlets, are to be the focus of growth and development within municipalities. Specifically, Policy 1.1.3.2 outlines that land use patterns within these settlement areas shall be based on densities and a mix of land uses which efficiently use land and resources.

The applicants propose to retain vacant land for future rural residential use and sever the existing residential use on the severed lands on the subject site.

### County of Elgin Official Plan

The settlement areas in the County are divided into three tiers based on their scale, function, and the level of services that exist in each settlement. The subject site is designated Settlement Area Tier 2 in the Elgin County Official Plan (OP). The second tier includes those settlement areas which are generally smaller than Tier 1 settlement areas and are on partial services. Limited development is permitted in these areas given the absence of full services. Development on partial services is permitted for infilling and rounding out subject to the proposal being within the reserve capacity of the municipal system and site conditions being suitable for the long-term provision of the required services.

Section E.1.2.3.1 General Criteria outlines that consents may be supported subject to the application not creating any new traffic issues or hazards with appropriate access; the proposed retained and severed lots being appropriately sized in accordance with the local zoning by-law and, if not, a Planning Act application to address minimum lot area regulations in accordance with the Zoning By-law; all other regulations of the Zoning By-law can be met; appropriate servicing exists; and the application will not have any adverse impacts on drainage, development of the retained lands, natural heritage or natural hazards. Planning staff is satisfied there will be no adverse impacts as a result of this lot creation.

### Local Municipality Official Plan and Zoning By-law

The subject lands are designated "Hamlet" and "Rural Residential" on Schedule 'E' Rural Area Land Use and Transportation Plan, of the Municipality of West Elgin Official Plan. The lands are zoned Hamlet (HR) and Rural Residential (RR) within the Municipality's Zoning By-law.

The severed lot is slightly deficient in lot frontage (21.86 metres (71.73 feet) proposed whereas 25 metres (82.02 feet) required) and will need relief to the Zoning By-law by way of a Zoning By-law Amendment or Minor Variance. Staff at the Municipality appear to support either approach.

**RECOMMENDATION:**

This application for consent is consistent with both the 2020 Provincial Policy Statement and complies with the County of Elgin Official Plan regarding lot creation in settlement areas. As such, Staff is of the opinion that the application is acceptable from a planning perspective and recommends approval subject to the following conditions:

1. A digital copy of the draft and final deposited reference plan be provided to the County of Elgin;
2. Solicitor Undertaking to provide a copy of registered deed for the severed parcel once completed;
3. Municipal addressing to be provided to Elgin County, from the local municipality, prior to final approval, to the satisfaction of Elgin County Planning;
4. Direct Connection to a legal outlet for the severed lot is required - If an existing connection is unavailable, to the satisfaction of the County Engineer. All costs to be borne by the owner. Discharge of water to the County Road allowance is prohibited;
5. That, if necessary, an entrance permit be obtained from Elgin County for a new entrance to the severed and/or retained parcels. All costs associated with this shall be borne by the owner;
6. Lot Grading Plan is required for the severed lot;

Additionally, it is recommended that the following conditions from the Municipality of West Elgin be included as conditions for consent:

1. That the Applicant meet all the requirements, financial and otherwise of the Municipality, to the satisfaction and clearance of the Municipality.
2. That the Applicant provides a description of the lands to be severed which can be registered in the Land Registry Office, to the satisfaction and clearance of the Municipality.
3. That the Applicant's Solicitor provides an undertaking to the Municipality, to provide a copy of the registered deed for the severed parcel once the transaction has occurred to the Municipality.
4. That the Applicant shall make payment of cash-in-lieu of applicable parkland dedication pursuant to Section 51.1 of the Planning Act, to the satisfaction and clearance of the Municipality.
5. That the Applicant successfully apply to the Municipality for a Minor Variance/Zoning By-law Amendment for the severed parcel and having such relief/rezoning of the Zoning By-law come into full force and effect pursuant to the Planning Act, to the satisfaction and clearance of the Municipality.
6. That the Applicant have a drainage reapportionment completed pursuant to the Drainage Act, to the satisfaction and clearance of the Municipality.

7. That the Applicant shall have a septic system assessment be completed by a qualified individual, on the proposed severed parcel to ensure that the existing privately owned and operated septic system is in working order and proper location and complete any improvements necessary, through a septic inspection, to the satisfaction and clearance of the Municipality.
8. That the Applicant shall have a septic system assessment be completed by a qualified individual, on the proposed retained parcel to ensure that the lands are suitable for a privately owned and operated septic system, to the satisfaction and clearance of the Municipality.
9. That the Applicant's Solicitor provide a request for clearance of conditions to the Municipality, demonstrating how all the conditions of consent has been fulfilled, to the satisfaction and clearance of the Municipality.
10. That prior the final approval of the County, the County is advised in writing by the Municipality how the above-noted conditions have been satisfied.
11. That all conditions noted above shall be fulfilled within two years of the Notice of Decision, so that the County of Elgin is authorized to issue the Certificate of Consent pursuant to Section 53(42) of the Planning Act.



**CORPORATION OF THE COUNTY OF ELGIN  
NOTICE OF APPLICATION FOR CONSENT  
APPLICATION NO. E 6-22**

**LOT 25  
MUNICIPALITY OF CENTRAL ELGIN  
MUNICIPAL ADDRESS: 151 ROUEN STREET**

**TAKE NOTICE that** an application has been made by 2869362 Ontario Inc. c/o Esther Reid, 18 Winfield Lane, London, ON N6H 5L2 for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 151 Rouen Street, Municipality of Central Elgin.

The applicants propose to sever a parcel with a frontage of 19.78 metres (64.90 feet) along Rouen Street by a depth of 20.07 metres (65.85 feet) and an area of 0.04 hectares (0.10 acres) to add to an abutting lot. The applicants are retaining 0.04 hectares (0.10 acres), proposed to remain in residential use.

The location of the property is shown on the Key Map attached.

**ADDITIONAL INFORMATION** regarding the application is available for inspection daily, Monday to Friday, between 8:30 A.M. and 4:30 P.M., at the County Municipal Offices, 450 Sunset Drive, St. Thomas or at a Public Hearing to be held on:

**WEDNESDAY February 23, 2022 AT 9:30 AM.  
BY VIDEO/TELEPHONE CONFERENCE OR IN PERSON AT  
Council Chambers, County Municipal Offices, 450 Sunset Drive, St. Thomas**

Any person or public body may attend the Public Hearing and/or make written or verbal representation either in support of, or in opposition to the proposed consent.

**PLEASE NOTE: YOUR PARTICIPATION BY VIDEO/TELECONFERENCE IS PREFERRED.**

**DUE TO PROVINCIAL ORDERS, ATTENDANCE IN PERSON MAY BE RESTRICTED. PLEASE CONTACT [landdivision@elgin.ca](mailto:landdivision@elgin.ca) AT LEAST 24 HOURS BEFORE THE MEETING TO ARRANGE FOR VIDEO/TELECONFERENCE OR TELEPHONE INFORMATION, OR TO CONFIRM IF IN PERSON ATTENDANCE IS POSSIBLE.**

If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee. This will also entitle you to be advised of any appeal to the Ontario Land Tribunal.

If a person or public body that files an appeal of a decision of the Land Division Committee in respect of the proposed consent does not make written or oral submissions to the Land Division Committee before it gives or refuses to give a provisional consent, the Ontario Land Tribunal may dismiss the appeal.

Dated at the Municipality of Central Elgin this 25<sup>th</sup> day of January, 2022.

Julie Gonyou  
Secretary-Treasurer  
Land Division Committee

**County of Elgin  
Planning Department**  
450 Sunset Drive  
St. Thomas, Ontario  
N5R 5V1 Canada  
Phone: 519-631-1460  
Fax: 519-631-4549  
[www.progressivebynature.com](http://www.progressivebynature.com)





# Location Map



## Legend



Subject Site



Severed



Retained



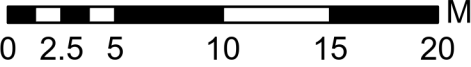
Elgin Road Network

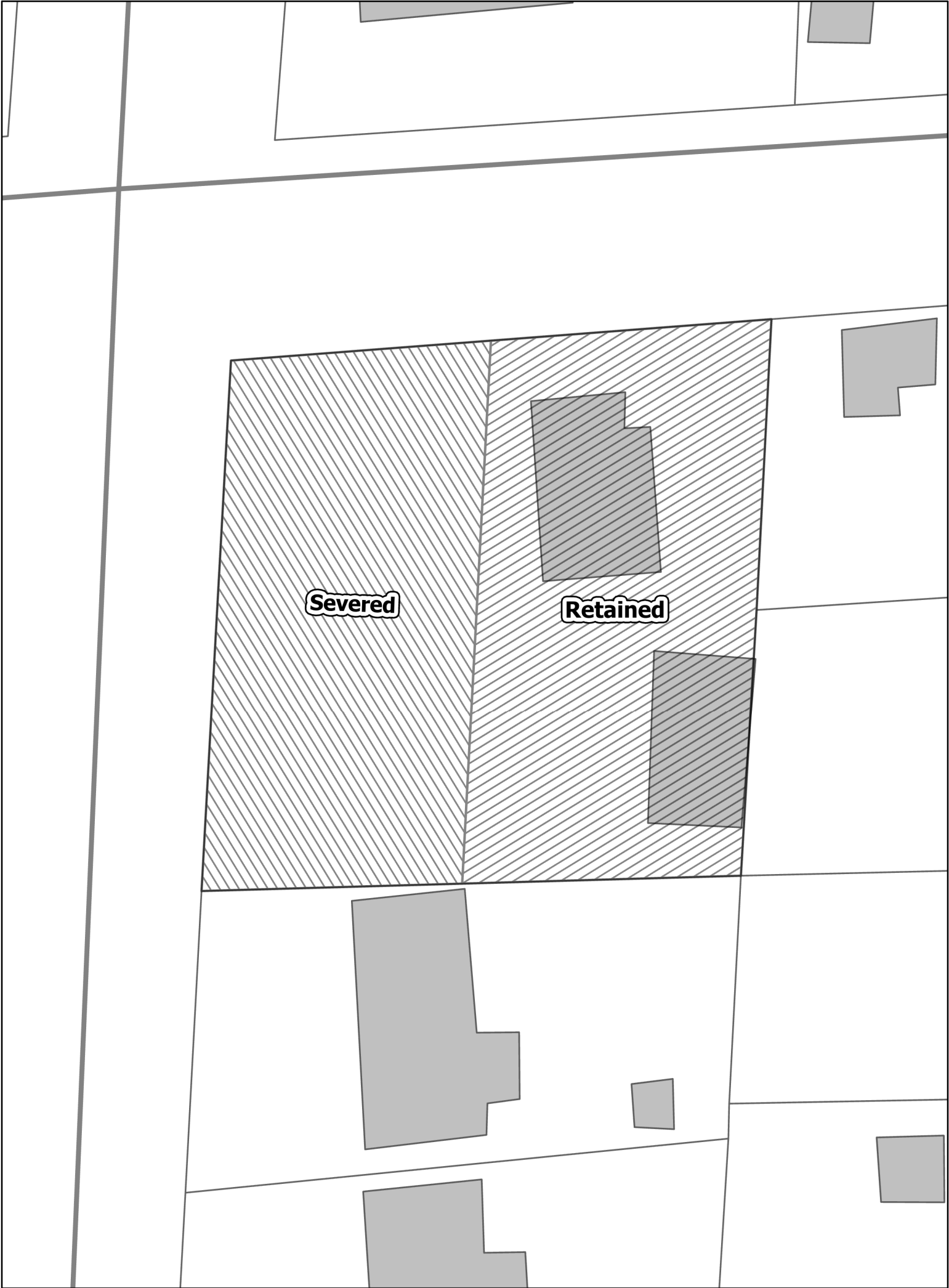


Buildings

Subject Site: 151 Rouen Street  
File Number: E 6-2022  
Owner: 2869362 Ontario Inc.  
Planner: Unknown  
Created By: TE  
Date: 01/12/2022

The Corporation of the County Elgin  
Prepared By: Planning and Development



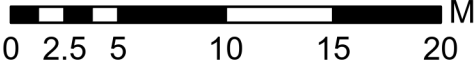


# Location Map



Subject Site: 151 Rouen Street  
File Number: E 6-2022  
Owner: 2869362 Ontario Inc.  
Planner: Unknown  
Created By: TE  
Date: 01/12/2022

The Corporation of the County Elgin  
Prepared By: Planning and Development



## Legend



Subject Site



Severed



Retained



Elgin Road Network



Buildings





February 15, 2022

Brian Lima  
General Manager of Engineering, Planning & Enterprise/Deputy CAO  
Planning Department  
County of Elgin  
450 Sunset Drive  
St. Thomas, ON N5R 5V1

RE: Consent Application E06/22  
2869362 Ontario Inc., 151 Rouen Street – Lot 25, Municipality of Central Elgin

Dear Mr. Lima:

Please be advised that Council discussed a report on the above note application at their Regular Meeting of Council dated Monday, February 14<sup>th</sup>, 2022 and the following resolution was passed:

THAT Report CEP 03.22 be received for information;

AND THAT Council has no objections to consent application E06/22, 151 Rouen Street (lot 25) to the Land Division Committee subject to the following recommended conditions;

1. The chain link fence and hedgerow encroaching on the Rouen Street and Lorne Street municipal right-of-way be removed and the framed sheds on the residential building lot be removed to the satisfaction of the Municipality of Central Elgin;
2. The applicant enters into an agreement with the Municipality of Central Elgin to address administrative, technical and financial matters;
3. The severed land be merged in title with the abutting lands to the south, Part Lot 24, Registered Plan No. 396;
4. That Subsection 3 or 5 of Section 50 of the Planning Act, R.S.O., 1990 as amended shall apply to any subsequent conveyance or transaction involving the subject lands;
5. The Solicitor for the applicant is to provide an undertaking, whereby they inform the Committee in writing that the lands are being conveyed to an abutting property owner and thus a merger of title will take place, which merger shall include all interests held inclusive or mortgagee's interest;
6. The Municipality of Central Elgin be provided with a copy of the Reference Plan; and
7. A drainage reassessment be done, if necessary, at the owner's expense.

As per Council's direction, please note a copy of the planning report has been included for your reference. Please feel free to contact me at the municipal office should you have any questions regarding this information.

Kind Regards,

*Dianne Wilson*

Dianne Wilson  
Deputy Clerk/Records Management Coordinator

[dwilson@centralelgin.org](mailto:dwilson@centralelgin.org) 519-631-4860 ext. 286

encl.

c.c. 2869362 Ontario Inc. - email  
Ester Reid, Agent – email  
Steve Craig, Senior Planning Technician, CEPO - email



THE MUNICIPALITY OF CENTRAL ELGIN

**REPORT TO COUNCIL**

**REPORT NO.** CEP.03.22  
**CEPO FILE NO.** E06/22  
**TO** Mayor & Members of Council  
**FROM** Steve Craig, Sr. Planning Technician  
**SUBJECT** Consent Application - Lot 25, Registered Plan No. 396 (151 Rouen Street)  
Applicant – 2869362 Ontario Inc.  
**DATE** February 14, 2022

---

**RECOMMENDATION**

**THAT** Report CEP.03.22 be received for information;

**AND THAT** Should Council pass a resolution in support of consent application E06/22 to the Land Division Committee, staff recommends the following conditions:

1. The chain link fence and hedgerow encroaching on the Rouen Street and Lorne Street municipal right-of-way be removed and the framed sheds on the residential building lot be removed to the satisfaction of the Municipality of Central Elgin;
  2. The applicant enters into an agreement with the Municipality of Central Elgin to address administrative, technical, and financial matters;
  3. the severed land be merged in title with the abutting lands to the south, Part Lot 24, Registered Plan No. 396;
  4. that Subsection 3 or 5 of Section 50 of the Planning Act, R.S.O., 1990, as amended shall apply to any subsequent conveyance or transaction involving the subject lands;
  5. the Solicitor for the applicant is to provide an undertaking, whereby they inform the Committee in writing, that the lands are being conveyed to an abutting property owner and thus a merger of title will take place, which merger shall include all interests held inclusive or mortgagee's interest; and
  6. the Municipality of Central Elgin be provided with a copy of the Reference Plan.
- 

**REPORT**

**Background:**

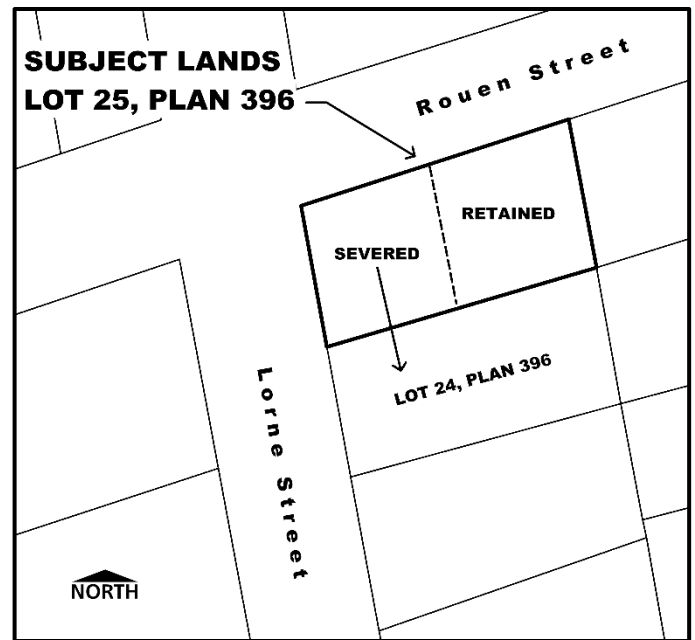
Consent application E06/22 & E07/22 have been filed concurrently for the purpose of reconfiguring Lot 24 and Lot 25, Plan 396. Both applications are in support of establishing one residential building lot for the purpose of constructing a single detached dwelling.

**Location:**

The subject lands are located on the southeast corner of Rouen Street and Lorne Street, the lands are legally described as, Lot 25, Registered Plan No. 396, Municipality of Central Elgin.

**Proposal:**

The applicant is proposing to sever a 396.96m<sup>2</sup> parcel of land, with 19.77m of frontage on Rouen Street, containing one shed, proposed to be conveyed to the abutting lot to the south, Part Lot 24, Registered Plan No. 396. The severed lands will be used to reconfigure a residential building lot for the construction of a new single detached dwelling. The applicant is proposing to retain a 408.72sqm parcel of land, with 20.36m of frontage on Rouen Street, containing one single detached dwelling, proposed to be used to reconfigure the lot limits for the existing single detached dwelling, municipally know as 151 Rouen Street.

**Location Plan:****Staff Report****1. Official Plan**

- The subject lands are within the “Residential” designation in accordance with Schedule “G” - Community of Belmont, Land Use Plan, to the Municipality of Central Elgin Official Plan.
- Where land is designated Residential on the Land Use Schedules to the Plan, a range of residential dwelling types and densities shall be permitted (4.2.1a).
- A consent for technical or legal purposes, such as a boundary adjustment, easement, or right-of-way. The lots that are the subject of the application and any retained lands will comply with the Zoning By-law, or the consent will be conditional on a successful Zoning By-law amendment or Minor Variance (5.3.9.1(b)).

**2. Zoning By-Law**

- The subject lands are within the Single Residential “R2” Zone (R2) of the Village of Belmont Zoning By-Law No. 91-21, as amended.
- Permitted uses of the R2 zone include one single detached dwelling per lot (5.3.2).
- The minimum lot area for a single detached dwelling on an interior lot is 464.5m<sup>2</sup> (5.3.3(a)) and the minimum lot frontage is 15m (5.3.3(c)).
- The minimum lot area for a single detached dwelling on a corner lot is 558.0sqm (5.3.3(a)) and the minimum lot frontage is 18m (5.3.3(c)).

**3. County of Elgin Official Plan:**


- The subject lands are located within the “Tier 1 Settlement Area” designation in accordance with Schedule “A” - Land Use, to the County of Elgin Official Plan. Settlement areas shall be the focus of growth and their vitality and regeneration shall be promoted.

- . A consent may be permitted for the purpose of modifying lot boundaries, provided no new building lot is created. In reviewing an application for such a boundary adjustment, the approval authority shall be satisfied that the boundary adjustment will not affect the viability of the use of the properties affected as intended by this Plan (E1.2.3.4).


#### 4. Comments

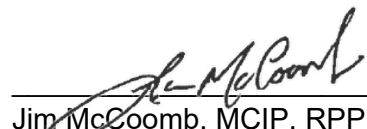
- . The applicant recently purchased 151 Rouen Street, which is legally described as Lot 24 and Lot 25, Plan 396. According to the applicant's solicitor Lot 24 and Lot 25, Plan 396 are two separate conveyable lots, accompanying the planning report is a legal opinion in the form of a formal letter, prepared by Bezaire, Hemeryck, Barnett Lawyers, Dated December 15, 2021.
- . Given the location of the existing single detached dwelling and detached garage the proposed lot reconfiguration is appropriate and will not affect the viability of the use of the properties affected. Staff completed a comprehensive zoning review of the proposal and confirm that the reconfigured lots, existing single detached dwelling, and detached garage conform with the Village of Belmont Zoning By-law 91-21.
- . Development of a new single detached dwelling on the residential building lot will be subject to conforming with the Village of Belmont Zoning By-law 91-21, as amended.
- . Staff are recommending that the chain link fence and hedgerow encroaching on the Rouen Street and Lorne Street municipal right-of-way be removed and the existing framed sheds on the residential building also removed.

Respectfully submitted:

  
\_\_\_\_\_  
Steve Craig  
Sr. Planning Technician

Approved for submission:

  
\_\_\_\_\_  
Paul Shipway  
CAO/Clerk

  
\_\_\_\_\_  
Jim McCoomb, MCIP, RPP  
Manager of Planning Services



BEZAIRE HEMERYCK BARNETT  
Lawyers

JONATHON BARNETT  
jon@strathroylaw.com

December 15, 2021

ANDREA  
BEZAIRE

BRADLEY  
HEMERYCK

JONATHON  
BARNETT

KATHERINE  
TOMASZEWSKI

Municipality of Central Elgin  
450 Sunset Drive  
St. Thomas, ON N5R 5V1

Dear Sir or Madam:

Re: 151 Rouen Street, Belmont  
Lots 25 and 25, Plan 396  
Our File No.: 50761

We represent 2869362 Ontario Inc., which recently purchased the above-noted property. We are writing to confirm that the property is composed of two whole lots on a plan of subdivision, specifically lots 24 and 25 on Plan 396 in Belmont. Enclosed please find a copy of the parcel register for the property and Plan 396 for your reference.

Pursuant to section 50 3 (a) of the *Planning Act RSO 1990, c. P.13*, the lots can be dealt with separately if they are described in accordance with and are within a registered plan of subdivision. Being the whole of two lots on Plan 396, they are fully described within the plan. Plan 396 was registered under the *Registry Act* in 1881 thereby making it a registered plan of subdivision for purposes of the *Planning Act*.

Accordingly, it is my opinion that Lots 24 and 25 on Plan 396 in Belmont can be dealt with as individual lots without the need for consent or approval of the Municipality.

We trust the foregoing is satisfactory. Should you have any questions or comments in connection with this opinion, please do not hesitate to contact me directly.

Yours very truly,  
Bezaire Hemeryck Barnett Professional Corporation

Jonathon Barnett  
JB  
Encls.

ARTHUR  
QUINLAN  
(Retired)

CHARLENE  
QUINLAN  
(Retired)

ROBERT  
WATERS  
(Retired)

LAND  
REGISTRY  
OFFICE #33

08195-0250 (LT)

PAGE 1 OF 2  
PREPARED FOR Angela01  
ON 2021/10/07 AT 12:52:11

\* CERTIFIED IN ACCORDANCE WITH THE LAND TITLES ACT \* SUBJECT TO RESERVATIONS IN CROWN GRANT \*

PROPERTY DESCRIPTION: LOTS 24 & 25 PLAN 396 BELMONT

PROPERTY REMARKS:

ESTATE/QUALIFIER:

FEE SIMPLE  
LT CONVERSION QUALIFIED

RECENTLY:

FIRST CONVERSION FROM BOOK 299

PIN CREATION DATE:

1992/09/14

OWNERS' NAMES

DESPLENTER, TYLER JAMES CHARLES  
BYL, SARAH LYNN

CAPACITY SHARE

JTEN  
JTEN

REG. NUM.	DATE	INSTRUMENT TYPE	AMOUNT	PARTIES FROM	PARTIES TO	CERT/ CHKD
<div><div>**EFFECTIVE</div><div>2000/07/29</div><div>THE NOTATION OF THE</div><div>"BLOCK IMPLEMENTATION DATE" OF 1992/09/14 ON THIS PIN**</div><div>**WAS REPLACED WITH THE</div><div>"PIN CREATION DATE" OF 1992/09/14**</div><div>** PRINTOUT</div><div>INCLUDES ALL DOCUMENT TYPES AND</div><div>DELETED INSTRUMENTS SINCE 1992/06/13 **</div><div>**SUBJECT,</div><div>ON FIRST REGISTRATION UNDER THE LAND TITLES ACT, TO:</div><div>**</div><div>SUBSECTION 44(1) OF THE LAND TITLES ACT, EXCEPT PARAGRAPH 11, PARAGRAPH 14, PROVINCIAL SUCCESSION DUTIES</div><div>**</div><div>AND ESCHEATS OR FORFEITURE TO THE CROWN.</div><div>**</div><div>THE RIGHTS OF ANY PERSON WHO WOULD, BUT FOR THE LAND TITLES ACT, BE ENTITLED TO THE LAND OR ANY PART OF</div><div>**</div><div>IT THROUGH LENGTH OF ADVERSE POSSESSION, PRESCRIPTION, MISDESCRIPTION OR BOUNDARIES SETTLED BY</div><div>**</div><div>CONVENTION.</div><div>**</div><div>ANY LEASE TO WHICH THE SUBSECTION 70(2) OF THE REGISTRY ACT APPLIES.</div><div>**DATE OF CONVERSION TO</div><div>LAND TITLES: 1992/09/14 **</div></div>						
460145	1976/09/07	TRANSFER		*** COMPLETELY DELETED ***	BLANCHER, LLOYD JAMES BEVERLY BLANCHER, HELEN PEARL	
759556	1987/03/06	TRANSFER		*** COMPLETELY DELETED ***	BLANCHER, LLOYD JAMES B. BLANCHER, HELEN PEARL	
ER80391	2000/10/19	APL OF SURV-LAND		*** COMPLETELY DELETED *** BLANCHER, HELEN PEARL (DECEASED)	BLANCHER, LLOYD JAMES BEVERLY BLANCHER, LLOYD JAMES B.	
ER80740	2000/10/23	TRANSFER		*** COMPLETELY DELETED *** BLANCHER, LLOYD JAMES B. BLANCHER, LLOYD JAMES BEVERLY	YOUNG, ROBERT EARL YOUNG, TAMARA MARIE	

NOTE: ADJOINING PROPERTIES SHOULD BE INVESTIGATED TO ASCERTAIN DESCRIPTIVE INCONSISTENCIES, IF ANY, WITH DESCRIPTION REPRESENTED FOR THIS PROPERTY.  
NOTE: ENSURE THAT YOUR PRINTOUT STATES THE TOTAL NUMBER OF PAGES AND THAT YOU HAVE PICKED THEM ALL UP.

REG. NUM.	DATE	INSTRUMENT TYPE	AMOUNT	PARTIES FROM	PARTIES TO	CERT/ CHKD
ER80744	2000/10/23	CHARGE		*** COMPLETELY DELETED *** YOUNG, ROBERT EARL YOUNG, TAMARA MARIE	CANADA TRUSTCO MORTGAGE COMPANY	
ER391606	2005/10/24	CHARGE		*** COMPLETELY DELETED *** YOUNG, ROBERT EARL YOUNG, TAMARA MARIE	THE TORONTO-DOMINION BANK	
ER397246	2005/11/21	DISCH OF CHARGE		*** COMPLETELY DELETED *** THE CANADA TRUST COMPANY		
REMARKS: RE: ER80744						
ER936476	2014/06/30	CHARGE		*** COMPLETELY DELETED *** YOUNG, ROBERT EARL YOUNG, TAMARA MARIE	THE TORONTO-DOMINION BANK	
ER936938	2014/07/02	DISCH OF CHARGE		*** COMPLETELY DELETED *** THE TORONTO-DOMINION BANK		
REMARKS: ER391606.						
ER1085297	2017/01/20	TRANSFER	\$240,000	YOUNG, ROBERT EARL YOUNG, TAMARA MARIE	DESPLENTER, TYLER JAMES CHARLES BYL, SARAH LYNN	C
REMARKS: PLANNING ACT STATEMENTS.						
ER1085298	2017/01/20	CHARGE	\$236,208	BYL, SARAH LYNN DESPLENTER, TYLER JAMES CHARLES	SCOTIA MORTGAGE CORPORATION	C
ER1087882	2017/02/08	DISCH OF CHARGE		*** COMPLETELY DELETED *** THE TORONTO-DOMINION BANK		
REMARKS: ER936476.						



I Certify that this plan  
was Registered in the Registry Office  
for the county of Middlesex this  
8th day of September 1881 at 1.10 o'clock P.M.

James Ferguson  
Registrar

North Part of Lot No one in Seventh  
concession Westminster  
W. Dyer

# PLAN Of an Additional Survey to the Village of BELMONT

Being the South Easterly part of  
LOT 1 CON. VII WESTMINSTER T.P.

As subdivided for W. Dyer Esq.

JUNE 1881

This Plan is correct and is prepared under  
the provisions of "The Registry Act"

London June 24th 1881 J.A.C.7

Scale 1 Chain to an Inch

Southwest Part of Lot No one  
in Seventh concession of  
Westminster  
W. Dyer



NOTE: THE UPPER RIGHT SECTION OF PLAN 396 IS MISSING ON ORIGINAL PLAN.  
K.F.D. JAN 5, 1972.

**From:** [Joe Gordon](#)  
**To:** [Brian Lima](#); [Dianne Wilson](#); [Craig, Steve](#)  
**Cc:** [admin@kevlardg.ca](mailto:admin@kevlardg.ca)  
**Subject:** Re: Notice of Applications - E 6-22 & E 7-22  
**Date:** January 27, 2022 10:05:20 AM  
**Attachments:** [image002.jpg](#)  
[image004.png](#)  
[image006.png](#)  
[image008.png](#)

---

Good morning Brian

Please accept this email as confirmation that staff of KCCA has reviewed the notices for consent applications E6/22 and E7/22 affecting 151 Rouen Street, Belmont, Central Elgin and that based on our mandate and policies, we have no objection to their approval.

I can also confirm that the subject lands are located outside of KCCA's natural hazard regulatory jurisdiction.

Thank you for the opportunity to comment.

Joe Gordon  
Kettle Creek Conservation Authority

---

**From:** Brian Lima <[blima@ELGIN.ca](mailto:blima@ELGIN.ca)>  
**Sent:** January 25, 2022 1:01 PM  
**To:** Dianne Wilson; Craig, Steve; Joe Gordon  
**Cc:** [admin@kevlardg.ca](mailto:admin@kevlardg.ca)  
**Subject:** Notice of Applications - E 6-22 & E 7-22

Good Afternoon,

Please find attached the Notice of Application for file numbers E 6-22 and E 7-22 for the Elgin County Land Division Committee meeting scheduled for February 23, 2022.

If you wish to provide comments on this application please submit them to [landdivision@elgin.ca](mailto:landdivision@elgin.ca), by **Tuesday, February 15, 2022** to be included in the agenda package and considered by the Land Division Committee.

Thanks

**Brian Lima, P.Eng.**

*General Manager of Engineering, Planning & Enterprise / Deputy CAO*



450 Sunset Drive  
St. Thomas, ON. N5R 5V1  
(519) 631-1460 ext. 117  
[blima@elgin.ca](mailto:blima@elgin.ca)  
[www.elgincounty.ca](http://www.elgincounty.ca)



**Notice:** A number of Elgin County services are unavailable at this time due to the evolving health situation (COVID-19). Please visit [www.elgincounty.ca](http://www.elgincounty.ca) for daily updates.

**COUNTY OF ELGIN ROAD SYSTEM**

DATE: January 25, 2022 ELGIN COUNTY ROAD NO.:

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE

RE:

APPLICATION NO.: E 6-22

OWNER: 2869362 Ontario Inc. c/o Esther Reid

PROPERTY: LOT NO. 25 CONCESSION:

REG'D PLAN: MUNICIPALITY: Central Elgin

The notice of the above application on the above premises has been received and I have the following comments to make:

- 1) Land for road widening is required .....  
[Section 51 (25) of the Planning Act - That the owner dedicate lands along the frontage of the severed and retained lot/parcel up to m from the centreline of construction of County Road ( ) to the County of Elgin for the purposes of road widening if the right of ways is not already to that width, to the satisfaction of the County Engineer. All costs to be borne by the owner.
- 2) A one-foot reserve is required along the N \_\_\_\_\_,  
S \_\_\_\_\_, E \_\_\_\_\_ and/or W \_\_\_\_\_ property line .....
- 3) Drainage pipes and/or catchbasin(s) are required .....
- 4) A Drainage Report is required under the Drainage Act \* (By Professional Engineer).....
- 5) A curb and gutter is required along the frontage .....
- 6) Direct Connection to a legal outlet for the severed lot is required - If an existing connection is unavailable, to the satisfaction of the County Engineer. All costs to be borne by the owner. Discharge of water to the County road allowance is prohibited.....
- 7) Technical Reports .....
- 8) That, if necessary, an entrance permit be obtained from Elgin County for a new entrance to the severed and/or retained parcels. All costs associated with this shall be borne by the owner.....
- 9) Lot Grading Plan is required for the severed lot.....
- 10) The County has no concerns.....
- 11) Not on County Road ..... X
- 12) Please provide me with a copy of your action on this application .....
- 13) Other...

Note: These lands are subject to County of Elgin By-Law No. 92-57, as amended by By-Law No. 96-45, and any amendments made thereto hereafter, being a by-law to regulate the construction or alteration of any entranceway, private roads or access to a County road.



BRIAN LIMA, P. ENG.  
GENERAL MANAGER OF ENGINEERING,  
PLANNING & ENTERPRISE / DEPUTY CAO



**County of Elgin**  
450 Sunset Drive  
St. Thomas, Ontario  
N5R 5V1 Canada  
Phone: 519-631-1460  
Fax: 519-633-7661  
www.elgin-county.on.ca

APPLICATION FOR CONSENT PURSUANT TO SECTION 53 OF THE PLANNING ACT,  
1990, AS AMENDED.

**To:** Elgin County Land Division Committee  
**From:** St. Thomas Planning & Building Services Department  
**Date:** February 15, 2022  
**Application:** E 6-22

**Owner:**  
**2869362 Ontario Inc.**  
7 Sir Robert Place, Arva ON N0M 1C0

**Agent:**  
**Esther Reid**  
London, ON

**Location:** 151 ROUEN STREET, LOT 25, REGISTERED PLAN 396, MUNICIPALITY OF CENTRAL ELGIN (COMMUNITY OF BELMONT)

**PROPOSAL**

The applicant is proposing to sever a 396.96m<sup>2</sup> parcel of land, with 19.77m of frontage on Rouen Street, containing one shed, proposed to be conveyed to the abutting lot to the south (Part Lot 24, Registered Plan No. 396). The severed lands will be used to reconfigure a residential building lot for the construction of a new single detached dwelling. The applicant is proposing to retain a 408.72m<sup>2</sup> parcel of land, with 20.36m of frontage on Rouen Street, containing one single detached dwelling, proposed to be used to reconfigure the lot limits for the existing single detached dwelling, municipally known as 151 Rouen Street.

This application is submitted concurrent with another application (E7-22) which also deals with assembly of lands for the proposed building lot. The applicant has obtained a legal opinion prepared by Bezaire, Hemeryck, Barnett Lawyers, dated December 15, 2021, that the property known as 151 Rouen Street consists of two separate conveyable lots (Lot 24 and Lot 25, Plan 396). Both lots are being severed and reconfigured to create the building lot.

**County of Elgin Official  
Plan**  
Tier 1 Settlement Area

**Local Municipality Official  
Plan**  
Residential

**Local Municipality Zoning  
By-law**  
Single Residential Zone (R2)

**REVIEW & ANALYSIS:**

**Public and Agency Comments**

**Municipality of Central Elgin –**

1. The chain link fence and hedgerow encroaching on the Rouen Street and Lorne Street municipal right-of-way be removed and the framed sheds on the residential building lot be removed to the satisfaction of the Municipality of Central Elgin;

2. The applicant enters into an agreement with the Municipality of Central Elgin to address administrative, technical, and financial matters;
3. The severed land be merged in title with the abutting lands to the south, Part Lot 24, Registered Plan No. 396;
4. That Subsection 3 or 5 of Section 50 of the Planning Act, R.S.O., 1990, as amended shall apply to any subsequent conveyance or transaction involving the subject lands;
5. The Solicitor for the applicant is to provide an undertaking, whereby they inform the committee in writing, that the lands are being conveyed to an abutting property owner and thus a merger of title will take place, which merger shall include all interests held inclusive or mortgagee's interest; and
6. The Municipality of Central Elgin be provided with a copy of the Reference Plan.

*County Engineering – No comments.*

*Kettle Creek Conservation Authority – No comments.*

Planning Act and Provincial Policy Statement (PPS)

In considering this application, staff must have regard to matters of Provincial Interest in accordance with Section 2 of the Planning Act (PA), and subdivision criteria in accordance with Section 51(24) of the PA.

The subject lands are within a Settlement Area, Section 1.0 of the 2020 PPS applies. Subsection 1.1.3 of the PPS deals with Settlement Areas. The policies state that settlement areas shall be the focus of growth and development.

It is staff's opinion that the proposed severance is consistent with these policies given that it seeks a lot addition to support the creation of a new development lot.

County of Elgin Official Plan

The subject lands are within a Tier 1 Settlement Area. Section B1 of the Official Plan states that settlement areas shall be the focus of growth and their vitality and regeneration shall be promoted. Policies for residential areas within settlement areas are found in Subsection C1.1.1 of the Plan. Those policies include, among other things:

*"It is the objective of this Plan to:*

- a) maintain and enhance the character and identity of existing residential areas;"*

Subsection E1.2.3.2 contains policies on Boundary Adjustments. Those policies state that:

*"A consent may be permitted for the purpose of modifying lot boundaries, provided no new building lot is created. In reviewing an application for such a boundary adjustment, the approval authority shall be satisfied that the boundary adjustment will not affect the viability of*

*the use of the properties affected as intended by this Plan. In addition, the approval authority shall be satisfied that the boundary adjustment will not affect the viability of the agricultural parcels affected.”*

There are also policies in Subsection E1.2 of the Plan that recognize the ability of the County or the lower tier municipality to require conditions for any consent application to address technical, financial and administrative matters.

These policies are consistent with the direction of the PPS. It is staff’s opinion that the proposed severance complies with the County Official Plan policies.

#### Local Municipality Official Plan and Zoning By-law

The subject lands are designated Residential on Schedule ‘G’ – Community of Port Stanley Land Use Plan. Section 4.2.1 of the OP contains the policies for the Residential designation, which permits a full range of residential dwelling types and densities. Subsection 5.3.9.1 of the OP contains the Consent Policies. Those policies state, among other things:

*“b) A consent for technical or legal purposes, such as a boundary adjustment, easement or right-of-way. The lots that are the subject of the application and any retained lands will comply with the Zoning By-law, or the consent will be conditional on a successful Zoning By-law amendment or Minor Variance.”*

These policies are generally consistent with those of the County Official Plan and the PPS. It is staff’s opinion that the proposed severance complies with the Municipality of Central Elgin Official Plan policies.

The subject lands are zoned Single Residential “R2” Zone (R2) of the Village of Belmont Zoning By-Law No. 91-21. Planning Staff completed a comprehensive zoning review of the proposal and confirmed that the reconfigured lots, existing single detached dwelling, and detached garage conform with the Village of Belmont Zoning By-law 91-21.

#### RECOMMENDATION:

This application for consent is consistent with both the 2020 Provincial Policy Statement and complies with the County of Elgin and Municipality of Central Elgin Official Plans regarding consents for lot adjustments. As such, planning staff are of the opinion that the application is supportable from a planning perspective and recommends approval subject to the following conditions from the Land Division Committee in its decision from the County of Elgin:

1. A digital copy of the draft and final deposited reference plan be provided to the County of Elgin;
2. The severed land be merged in title with the abutting lot, described as Part of Lot 24 on Registered Plan 396; and

3. Solicitor Undertaking whereby they inform the Committee in writing, that the lands are being conveyed to an abutting property owner and thus a merger of title will take place, which merger shall include all interests held inclusive or mortgagee's interest.

Additionally, it is recommended that the following conditions from the Municipality of Central Elgin be included as conditions for consent:

1. The chain link fence and hedgerow encroaching on the Rouen Street and Lorne Street municipal right-of-way be removed and the framed sheds on the residential building lot be removed to the satisfaction of the Municipality of Central Elgin;
2. The applicant enters into an agreement with the Municipality of Central Elgin to address administrative, technical, and financial matters;
3. The severed land be merged in title with the abutting lands to the south, Part Lot 24, Registered Plan No. 396;
4. That Subsection 3 or 5 of Section 50 of the Planning Act, R.S.O., 1990, as amended shall apply to any subsequent conveyance or transaction involving the subject lands;
5. The Solicitor for the applicant is to provide an undertaking, whereby they inform the committee in writing, that the lands are being conveyed to an abutting property owner and thus a merger of title will take place, which merger shall include all interests held inclusive or mortgagee's interest; and
6. The Municipality of Central Elgin be provided with a copy of the Reference Plan.





**CORPORATION OF THE COUNTY OF ELGIN  
NOTICE OF APPLICATION FOR CONSENT  
APPLICATION NO. E 7-22**

**LOT 25  
MUNICIPALITY OF CENTRAL ELGIN  
MUNICIPAL ADDRESS: 151 ROUEN STREET**

**TAKE NOTICE that** an application has been made by 2869362 Ontario Inc. c/o Esther Reid, 18 Winfield Lane, London, ON N6H 5L2 for a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 151 Rouen Street, Municipality of Central Elgin.

The applicants propose to sever a parcel with a frontage of 20.37 metres (66.83 feet) along Rouen Street by a depth of 20.14 metres (66.08 feet) and an area of 0.04 hectares (0.10 acres) to add to an abutting lot. The applicants are retaining 0.04 hectares (0.10 acres), proposed to remain in residential use.

The location of the property is shown on the Key Map attached.

**ADDITIONAL INFORMATION** regarding the application is available for inspection daily, Monday to Friday, between 8:30 A.M. and 4:30 P.M., at the County Municipal Offices, 450 Sunset Drive, St. Thomas or at a Public Hearing to be held on:

**WEDNESDAY February 23, 2022 AT 9:40 AM.  
BY VIDEO/TELEPHONE CONFERENCE OR IN PERSON AT  
Council Chambers, County Municipal Offices, 450 Sunset Drive, St. Thomas**

Any person or public body may attend the Public Hearing and/or make written or verbal representation either in support of, or in opposition to the proposed consent.

**PLEASE NOTE: YOUR PARTICIPATION BY VIDEO/TELECONFERENCE IS PREFERRED.**

**DUE TO PROVINCIAL ORDERS, ATTENDANCE IN PERSON MAY BE RESTRICTED. PLEASE CONTACT [landdivision@elgin.ca](mailto:landdivision@elgin.ca) AT LEAST 24 HOURS BEFORE THE MEETING TO ARRANGE FOR VIDEO/TELECONFERENCE OR TELEPHONE INFORMATION, OR TO CONFIRM IF IN PERSON ATTENDANCE IS POSSIBLE.**

If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee. This will also entitle you to be advised of any appeal to the Ontario Land Tribunal.

If a person or public body that files an appeal of a decision of the Land Division Committee in respect of the proposed consent does not make written or oral submissions to the Land Division Committee before it gives or refuses to give a provisional consent, the Ontario Land Tribunal may dismiss the appeal.

Dated at the Municipality of Central Elgin this 25<sup>th</sup> day of January, 2022.

Julie Gonyou  
Secretary-Treasurer  
Land Division Committee

**County of Elgin  
Planning Department**  
450 Sunset Drive  
St. Thomas, Ontario  
N5R 5V1 Canada  
Phone: 519-631-1460  
Fax: 519-631-4549  
[www.progressivebynature.com](http://www.progressivebynature.com)

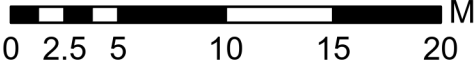


# Location Map



Subject Site: 151 Rouen Street  
File Number: E 7-2022  
Owner: 2869362 Ontario Inc.  
Planner: Unknown  
Created By: TE  
Date: 01/12/2022

The Corporation of the County Elgin  
Prepared By: Planning and Development



## Legend



Subject Site



Severed



Retained

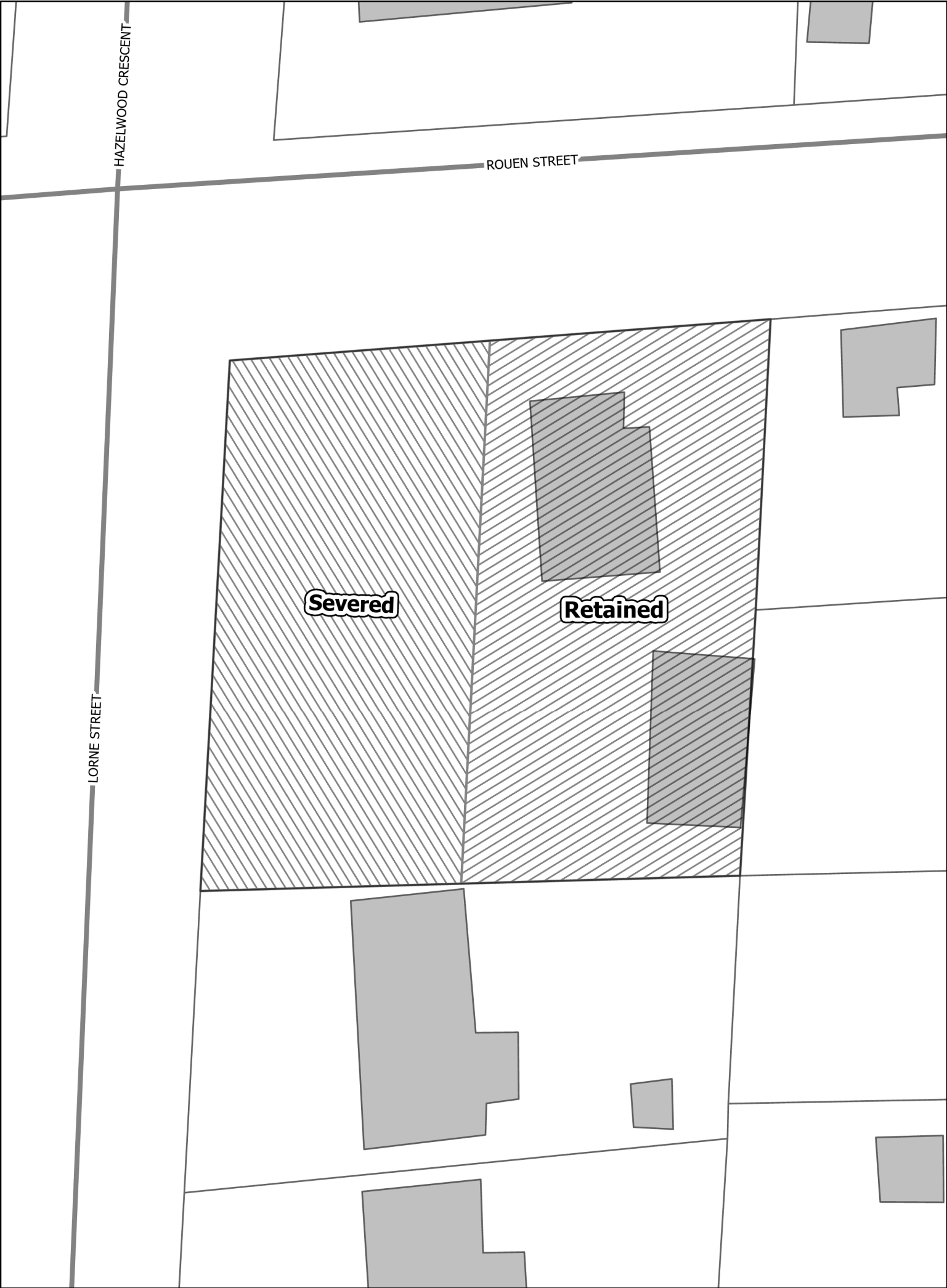


Elgin Road Network








Buildings





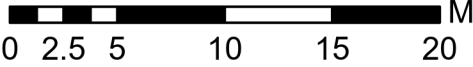
# Location Map



- Legend
-  Subject Site
  -  Severed
  -  Retained
  -  Elgin Road Network
  -  Buildings

Subject Site: 151 Rouen Street  
File Number: E 7-2022  
Owner: 2869362 Ontario Inc.  
Planner: Unknown  
Created By: TE  
Date: 01/12/2022

The Corporation of the County Elgin  
Prepared By: Planning and Development





February 15, 2022

Brian Lima  
General Manager of Engineering, Planning & Enterprise/Deputy CAO  
Planning Department  
County of Elgin  
450 Sunset Drive  
St. Thomas, ON N5R 5V1

RE: Consent Application E07/22  
2869362 Ontario Inc., 151 Rouen Street – Lot 24, Municipality of Central Elgin

Dear Mr. Lima:

Please be advised that Council discussed a report on the above note application at their Regular Meeting of Council dated Monday, February 14<sup>th</sup>, 2022 and the following resolution was passed:

THAT Report CEP 04.22 be received for information;

AND THAT Council has no objections to consent application E07/22, 151 Rouen Street (lot 24) to the Land Division Committee subject to the following recommended conditions;

1. The chain link fence and hedgerow encroaching on the Rouen Street and Lorne Street municipal right-of-way be removed and the framed sheds on the residential building lot be removed to the satisfaction of the Municipality of Central Elgin;
2. The applicant enters into an agreement with the Municipality of Central Elgin to address administrative, technical and financial matters;
3. The severed land be merged in title with the abutting lands to the south, Part Lot 25, Registered Plan No. 396;
4. That Subsection 3 or 5 of Section 50 of the Planning Act, R.S.O., 1990 as amended shall apply to any subsequent conveyance or transaction involving the subject lands;
5. The Solicitor for the applicant is to provide an undertaking, whereby they inform the Committee in writing that the lands are being conveyed to an abutting property owner and thus a merger of title will take place, which merger shall include all interests held inclusive or mortgagee's interest;
6. The Municipality of Central Elgin be provided with a copy of the Reference Plan; and
7. A drainage reassessment be done, if necessary, at the owner's expense.

As per Council's direction, please note a copy of the planning report has been included for your reference. Please feel free to contact me at the municipal office should you have any questions regarding this information.

Kind Regards,

*Dianne Wilson*

Dianne Wilson  
Deputy Clerk/Records Management Coordinator

[dwilson@centralelgin.org](mailto:dwilson@centralelgin.org) 519-631-4860 ext. 286

encl.

c.c. 2869362 Ontario Inc. - email  
Ester Reid, Agent – email  
Steve Craig, Senior Planning Technician, CEPO - email



THE MUNICIPALITY OF CENTRAL ELGIN

**REPORT TO COUNCIL**

**REPORT NO.** CEP.04.22  
**CEPO FILE NO.** E07/22  
**TO** Mayor & Members of Council  
**FROM** Steve Craig, Sr. Planning Technician  
**SUBJECT** Consent Application - Lot 24, Registered Plan No. 396 (151 Rouen Street)  
Applicant – 2869362 Ontario Inc.  
**DATE** February 14, 2022

---

**RECOMMENDATION**

**THAT** Report CEP.04.22 be received for information;

**AND THAT** Should Council pass a resolution in support of consent application E07/22 to the Land Division Committee, staff recommends the following conditions:

1. The chain link fence and hedgerow encroaching on the Rouen Street and Lorne Street municipal right-of-way be removed and the framed sheds on the residential building lot be removed to the satisfaction of the Municipality of Central Elgin;
  2. The applicant enters into an agreement with the Municipality of Central Elgin to address administrative, technical, and financial matters;
  3. the severed land be merged in title with the abutting lands to the north, Part Lot 25, Registered Plan No. 396;
  4. that Subsection 3 or 5 of Section 50 of the Planning Act, R.S.O., 1990, as amended shall apply to any subsequent conveyance or transaction involving the subject lands;
  5. the Solicitor for the applicant is to provide an undertaking, whereby they inform the Committee in writing, that the lands are being conveyed to an abutting property owner and thus a merger of title will take place, which merger shall include all interests held inclusive or mortgagee's interest; and
  6. the Municipality of Central Elgin be provided with a copy of the Reference Plan.
- 

**REPORT**

**Background:**

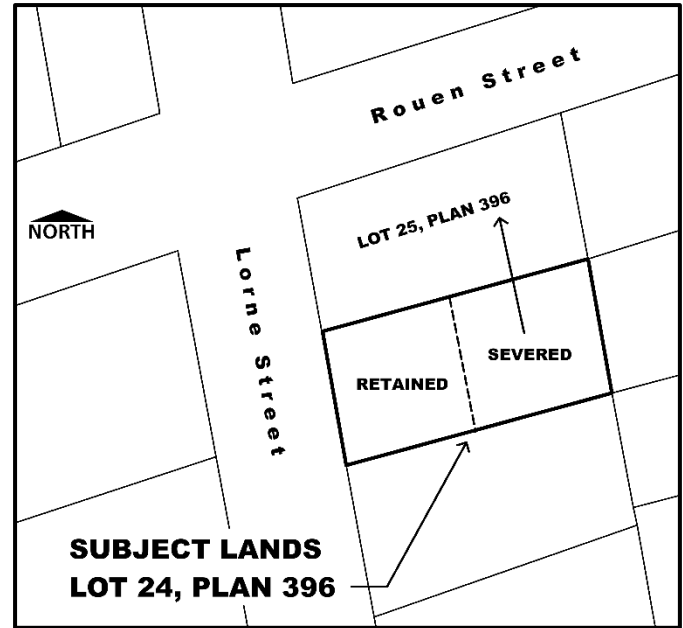
Consent application E06/22 & E07/22 have been filed concurrently for the purpose of reconfiguring Lot 24 and Lot 25, Plan 396. Both applications are in support of establishing one residential building lot for the purpose of constructing a single detached dwelling.

**Location:**

The subject lands are located on the southeast corner of Rouen Street and Lorne Street, the lands are legally described as, Lot 24, Registered Plan No. 396, Municipality of Central Elgin.

**Proposal:**

The applicant is proposing to sever a 410.17m<sup>2</sup> parcel of land, containing one detached garage, proposed to be conveyed to the abutting lot to the north, Part Lot 25, Registered Plan No. 396. The severed lands will be used to reconfigure the lot limits for the existing single detached dwelling, municipally know as 151 Rouen Street. The applicant is proposing to retain a 398.27m<sup>2</sup> parcel of land, with 19.78m of frontage on Lorne Street, containing one shed, proposed to be used to reconfigure one residential building lot for the construction of a new single detached dwelling.

**Location Plan:****Staff Report****1. Official Plan**

- The subject lands are within the “Residential” designation in accordance with Schedule “G” - Community of Belmont, Land Use Plan, to the Municipality of Central Elgin Official Plan.
- Where land is designated Residential on the Land Use Schedules to the Plan, a range of residential dwelling types and densities shall be permitted (4.2.1a).
- A consent for technical or legal purposes, such as a boundary adjustment, easement, or right-of-way. The lots that are the subject of the application and any retained lands will comply with the Zoning By-law, or the consent will be conditional on a successful Zoning By-law amendment or Minor Variance (5.3.9.1(b)).

**2. Zoning By-Law**

- The subject lands are within the Single Residential “R2” Zone (R2) of the Village of Belmont Zoning By-Law No. 91-21, as amended.
- Permitted uses of the R2 zone include one single detached dwelling per lot (5.3.2).
- The minimum lot area for a single detached dwelling on an interior lot is 464.5m<sup>2</sup> (5.3.3(a)) and the minimum lot frontage is 15m (5.3.3(c)).
- The minimum lot area for a single detached dwelling on a corner lot is 558.0sqm (5.3.3(a)) and the minimum lot frontage is 18m (5.3.3(c)).

**3. County of Elgin Official Plan:**

- The subject lands are located within the “Tier 1 Settlement Area” designation in accordance with Schedule “A” - Land Use, to the County of Elgin Official Plan. Settlement areas shall be the focus of growth and their vitality and regeneration shall be promoted.

- . A consent may be permitted for the purpose of modifying lot boundaries, provided no new building lot is created. In reviewing an application for such a boundary adjustment, the approval authority shall be satisfied that the boundary adjustment will not affect the viability of the use of the properties affected as intended by this Plan (E1.2.3.4).

#### 4. Comments

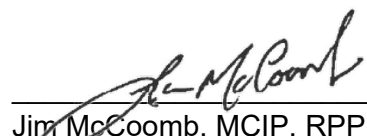
- . The applicant recently purchased 151 Rouen Street, which is legally described as Lot 24 and Lot 25, Plan 396. According to the applicant's solicitor Lot 24 and Lot 25, Plan 396 are two separate conveyable lots, accompanying the planning report is a legal opinion in the form of a formal letter, prepared by Bezaire, Hemeryck, Barnett Lawyers, Dated December 15, 2021.
- . Given the location of the existing single detached dwelling and detached garage the proposed lot reconfiguration is appropriate and will not affect the viability of the use of the properties affected. Staff completed a comprehensive zoning review of the proposal and confirm that the reconfigured lots, existing single detached dwelling, and detached garage conform with the Village of Belmont Zoning By-law 91-21.
- . Development of a new single detached dwelling on the residential building lot will be subject to conforming with the Village of Belmont Zoning By-law 91-21, as amended.
- . Staff are recommending that the chain link fence and hedgerow encroaching on the Rouen Street and Lorne Street municipal right-of-way be removed and the existing framed sheds on the residential building also removed.

Respectfully submitted:

  
\_\_\_\_\_  
Steve Craig  
Sr. Planning Technician

Approved for submission:

  
\_\_\_\_\_  
Paul Shipway  
CAO/Clerk

  
\_\_\_\_\_  
Jim McCoomb, MCIP, RPP  
Manager of Planning Services





BEZAIRE HEMERYCK BARNETT  
Lawyers

JONATHON BARNETT  
jon@strathroylaw.com

December 15, 2021

ANDREA  
BEZAIRE

BRADLEY  
HEMERYCK

JONATHON  
BARNETT

KATHERINE  
TOMASZEWSKI

Municipality of Central Elgin  
450 Sunset Drive  
St. Thomas, ON N5R 5V1

Dear Sir or Madam:

Re: 151 Rouen Street, Belmont  
Lots 25 and 25, Plan 396  
Our File No.: 50761

We represent 2869362 Ontario Inc., which recently purchased the above-noted property. We are writing to confirm that the property is composed of two whole lots on a plan of subdivision, specifically lots 24 and 25 on Plan 396 in Belmont. Enclosed please find a copy of the parcel register for the property and Plan 396 for your reference.

Pursuant to section 50 3 (a) of the *Planning Act RSO 1990, c. P.13*, the lots can be dealt with separately if they are described in accordance with and are within a registered plan of subdivision. Being the whole of two lots on Plan 396, they are fully described within the plan. Plan 396 was registered under the *Registry Act* in 1881 thereby making it a registered plan of subdivision for purposes of the *Planning Act*.

Accordingly, it is my opinion that Lots 24 and 25 on Plan 396 in Belmont can be dealt with as individual lots without the need for consent or approval of the Municipality.

We trust the foregoing is satisfactory. Should you have any questions or comments in connection with this opinion, please do not hesitate to contact me directly.

Yours very truly,  
Bezaire Hemeryck Barnett Professional Corporation

Jonathon Barnett  
JB  
Encls.

ARTHUR  
QUINLAN  
(Retired)

CHARLENE  
QUINLAN  
(Retired)

ROBERT  
WATERS  
(Retired)

LAND  
REGISTRY  
OFFICE #33

08195-0250 (LT)

PAGE 1 OF 2  
PREPARED FOR Angela01  
ON 2021/10/07 AT 12:52:11

\* CERTIFIED IN ACCORDANCE WITH THE LAND TITLES ACT \* SUBJECT TO RESERVATIONS IN CROWN GRANT \*

PROPERTY DESCRIPTION:        LOTS 24 & 25 PLAN 396 BELMONT

PROPERTY REMARKS:

ESTATE/QUALIFIER:

FEE SIMPLE  
LT CONVERSION QUALIFIED

RECENTLY:

FIRST CONVERSION FROM BOOK 299

PIN CREATION DATE:

1992/09/14

OWNERS' NAMES

DESPLENTER, TYLER JAMES CHARLES  
BYL, SARAH LYNN

CAPACITY    SHARE

JTEN  
JTEN

REG. NUM.	DATE	INSTRUMENT TYPE	AMOUNT	PARTIES FROM	PARTIES TO	CERT/ CHKD
<div><div>**EFFECTIVE</div><div>2000/07/29</div><div>THE NOTATION OF THE</div><div>"BLOCK IMPLEMENTATION DATE" OF 1992/09/14 ON THIS PIN**</div><div>**WAS REPLACED WITH THE</div><div>"PIN CREATION DATE" OF 1992/09/14**</div><div>** PRINTOUT</div><div>INCLUDES ALL DOCUMENT TYPES AND</div><div>DELETED INSTRUMENTS SINCE 1992/06/13 **</div><div>**SUBJECT,</div><div>ON FIRST REGISTRATION UNDER THE LAND TITLES ACT, TO:</div><div>**</div><div>SUBSECTION 44(1) OF THE LAND TITLES ACT, EXCEPT PARAGRAPH 11, PARAGRAPH 14, PROVINCIAL SUCCESSION DUTIES</div><div>*</div><div>**</div><div>AND ESCHEATS OR FORFEITURE TO THE CROWN.</div><div>**</div><div>THE RIGHTS OF ANY PERSON WHO WOULD, BUT FOR THE LAND TITLES ACT, BE ENTITLED TO THE LAND OR ANY PART OF</div><div>**</div><div>IT THROUGH LENGTH OF ADVERSE POSSESSION, PRESCRIPTION, MISDESCRIPTION OR BOUNDARIES SETTLED BY</div><div>**</div><div>CONVENTION.</div><div>**</div><div>ANY LEASE TO WHICH THE SUBSECTION 70(2) OF THE REGISTRY ACT APPLIES.</div><div>**DATE OF CONVERSION TO</div><div>LAND TITLES: 1992/09/14 **</div></div>						
460145	1976/09/07	TRANSFER		*** COMPLETELY DELETED ***	BLANCHER, LLOYD JAMES BEVERLY BLANCHER, HELEN PEARL	
759556	1987/03/06	TRANSFER		*** COMPLETELY DELETED ***	BLANCHER, LLOYD JAMES B. BLANCHER, HELEN PEARL	
ER80391	2000/10/19	APL OF SURV-LAND		*** COMPLETELY DELETED *** BLANCHER, HELEN PEARL (DECEASED)	BLANCHER, LLOYD JAMES BEVERLY BLANCHER, LLOYD JAMES B.	
ER80740	2000/10/23	TRANSFER		*** COMPLETELY DELETED *** BLANCHER, LLOYD JAMES B. BLANCHER, LLOYD JAMES BEVERLY	YOUNG, ROBERT EARL YOUNG, TAMARA MARIE	

NOTE: ADJOINING PROPERTIES SHOULD BE INVESTIGATED TO ASCERTAIN DESCRIPTIVE INCONSISTENCIES, IF ANY, WITH DESCRIPTION REPRESENTED FOR THIS PROPERTY.  
NOTE: ENSURE THAT YOUR PRINTOUT STATES THE TOTAL NUMBER OF PAGES AND THAT YOU HAVE PICKED THEM ALL UP.

REG. NUM.	DATE	INSTRUMENT TYPE	AMOUNT	PARTIES FROM	PARTIES TO	CERT/ CHKD
ER80744	2000/10/23	CHARGE		*** COMPLETELY DELETED *** YOUNG, ROBERT EARL YOUNG, TAMARA MARIE	CANADA TRUSTCO MORTGAGE COMPANY	
ER391606	2005/10/24	CHARGE		*** COMPLETELY DELETED *** YOUNG, ROBERT EARL YOUNG, TAMARA MARIE	THE TORONTO-DOMINION BANK	
ER397246	2005/11/21	DISCH OF CHARGE		*** COMPLETELY DELETED *** THE CANADA TRUST COMPANY		
REMARKS: RE: ER80744						
ER936476	2014/06/30	CHARGE		*** COMPLETELY DELETED *** YOUNG, ROBERT EARL YOUNG, TAMARA MARIE	THE TORONTO-DOMINION BANK	
ER936938	2014/07/02	DISCH OF CHARGE		*** COMPLETELY DELETED *** THE TORONTO-DOMINION BANK		
REMARKS: ER391606.						
ER1085297	2017/01/20	TRANSFER	\$240,000	YOUNG, ROBERT EARL YOUNG, TAMARA MARIE	DESPLENTER, TYLER JAMES CHARLES BYL, SARAH LYNN	C
REMARKS: PLANNING ACT STATEMENTS.						
ER1085298	2017/01/20	CHARGE	\$236,208	BYL, SARAH LYNN DESPLENTER, TYLER JAMES CHARLES	SCOTIA MORTGAGE CORPORATION	C
ER1087882	2017/02/08	DISCH OF CHARGE		*** COMPLETELY DELETED *** THE TORONTO-DOMINION BANK		
REMARKS: ER936476.						

NOTE: ADJOINING PROPERTIES SHOULD BE INVESTIGATED TO ASCERTAIN DESCRIPTIVE INCONSISTENCIES, IF ANY, WITH DESCRIPTION REPRESENTED FOR THIS PROPERTY.

NOTE: ENSURE THAT YOUR PRINTOUT STATES THE TOTAL NUMBER OF PAGES AND THAT YOU HAVE PICKED THEM ALL UP.

I Certify that this plan  
was Registered in the Registry Office  
for the county of Middlesex this  
8th day of September 1881 at 1.10 o'clock P.M.

James Ferguson  
Registrar

North Part of Lot No one in Seventh  
concession Westminster  
W. Dyer

# PLAN Of an Additional Survey to the Village of BELMONT

Being the South Easterly part of  
LOT 1 CON. VII WESTMINSTER T.P.

As subdivided for W. Dyer Esq.

JUNE 1881

This Plan is correct and is prepared under  
the provisions of "The Registry Act"

London June 24th 1881 J.A.C.7

Scale 1 Chain to an Inch

Southwest Part of Lot No one  
in Seventh concession of  
Westminster  
W. Dyer



NOTE: THE UPPER RIGHT SECTION OF PLAN 396 IS MISSING ON ORIGINAL PLAN.  
K.F.D. JAN 5, 1972.

**From:** [Joe Gordon](#)  
**To:** [Brian Lima](#); [Dianne Wilson](#); [Craig, Steve](#)  
**Cc:** [admin@kevlardg.ca](mailto:admin@kevlardg.ca)  
**Subject:** Re: Notice of Applications - E 6-22 & E 7-22  
**Date:** January 27, 2022 10:05:20 AM  
**Attachments:** [image002.jpg](#)  
[image004.png](#)  
[image006.png](#)  
[image008.png](#)

---

Good morning Brian

Please accept this email as confirmation that staff of KCCA has reviewed the notices for consent applications E6/22 and E7/22 affecting 151 Rouen Street, Belmont, Central Elgin and that based on our mandate and policies, we have no objection to their approval.

I can also confirm that the subject lands are located outside of KCCA's natural hazard regulatory jurisdiction.

Thank you for the opportunity to comment.

Joe Gordon  
Kettle Creek Conservation Authority

---

**From:** Brian Lima <[blima@ELGIN.ca](mailto:blima@ELGIN.ca)>  
**Sent:** January 25, 2022 1:01 PM  
**To:** Dianne Wilson; Craig, Steve; Joe Gordon  
**Cc:** [admin@kevlardg.ca](mailto:admin@kevlardg.ca)  
**Subject:** Notice of Applications - E 6-22 & E 7-22

Good Afternoon,

Please find attached the Notice of Application for file numbers E 6-22 and E 7-22 for the Elgin County Land Division Committee meeting scheduled for February 23, 2022.

If you wish to provide comments on this application please submit them to [landdivision@elgin.ca](mailto:landdivision@elgin.ca), by **Tuesday, February 15, 2022** to be included in the agenda package and considered by the Land Division Committee.

Thanks

**Brian Lima, P.Eng.**

*General Manager of Engineering, Planning & Enterprise / Deputy CAO*



450 Sunset Drive  
St. Thomas, ON. N5R 5V1  
(519) 631-1460 ext. 117  
[blima@elgin.ca](mailto:blima@elgin.ca)  
[www.elgincounty.ca](http://www.elgincounty.ca)



**Notice:** A number of Elgin County services are unavailable at this time due to the evolving health situation (COVID-19). Please visit [www.elgincounty.ca](http://www.elgincounty.ca) for daily updates.

**COUNTY OF ELGIN ROAD SYSTEM**

DATE: January 25, 2022 ELGIN COUNTY ROAD NO.:

TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE

RE:

APPLICATION NO.: E 7-22

OWNER: 2869362 Ontario Inc. c/o Esther Reid

PROPERTY: LOT NO. 25 CONCESSION:

REG'D PLAN: MUNICIPALITY: Central Elgin

The notice of the above application on the above premises has been received and I have the following comments to make:

- 1) Land for road widening is required .....  
[Section 51 (25) of the Planning Act - That the owner dedicate lands along the frontage of the severed and retained lot/parcel up to m from the centreline of construction of County Road ( ) to the County of Elgin for the purposes of road widening if the right of ways is not already to that width, to the satisfaction of the County Engineer. All costs to be borne by the owner.
- 2) A one-foot reserve is required along the N \_\_\_\_\_,  
S \_\_\_\_\_, E \_\_\_\_\_ and/or W \_\_\_\_\_ property line .....
- 3) Drainage pipes and/or catchbasin(s) are required .....
- 4) A Drainage Report is required under the Drainage Act \* (By Professional Engineer).....
- 5) A curb and gutter is required along the frontage .....
- 6) Direct Connection to a legal outlet for the severed lot is required - If an existing connection is unavailable, to the satisfaction of the County Engineer. All costs to be borne by the owner. Discharge of water to the County road allowance is prohibited.....
- 7) Technical Reports .....
- 8) That, if necessary, an entrance permit be obtained from Elgin County for a new entrance to the severed and/or retained parcels. All costs associated with this shall be borne by the owner.....
- 9) Lot Grading Plan is required for the severed lot.....
- 10) The County has no concerns.....
- 11) Not on County Road ..... X
- 12) Please provide me with a copy of your action on this application .....
- 13) Other...

Note: These lands are subject to County of Elgin By-Law No. 92-57, as amended by By-Law No. 96-45, and any amendments made thereto hereafter, being a by-law to regulate the construction or alteration of any entranceway, private roads or access to a County road.



BRIAN LIMA, P. ENG.  
GENERAL MANAGER OF ENGINEERING,  
PLANNING & ENTERPRISE / DEPUTY CAO



**County of Elgin**  
450 Sunset Drive  
St. Thomas, Ontario  
N5R 5V1 Canada  
Phone: 519-631-1460  
Fax: 519-633-7661  
www.elgin-county.on.ca

APPLICATION FOR CONSENT PURSUANT TO SECTION 53 OF THE PLANNING ACT,  
1990, AS AMENDED.

**To:** Elgin County Land Division Committee  
**From:** St. Thomas Planning & Building Services Department  
**Date:** February 15, 2022  
**Application:** E 7-22

**Owner:**  
**2869362 Ontario Inc.**  
7 Sir Robert Place, Arva ON N0M 1C0

**Agent:**  
**Esther Reid**  
London, ON

**Location:** 151 ROUEN STREET, LOT 24, REGISTERED PLAN 396, MUNICIPALITY OF CENTRAL ELGIN (COMMUNITY OF BELMONT)

**PROPOSAL**

The applicant is proposing to sever a 410.17m<sup>2</sup> parcel of land, containing one detached garage, proposed to be conveyed to the abutting lot to the north, Part Lot 25, Registered Plan No. 396. The severed lands will be used to reconfigure the lot limits for the existing single detached dwelling, municipally known as 151 Rouen Street. The applicant is proposing to retain a 398.27m<sup>2</sup> parcel of land, with 19.78m of frontage on Lorne Street, containing one shed, proposed to be used to reconfigure one residential building lot for the construction of a new single detached dwelling.

This application is submitted concurrent with another application (E6-22) which also deals with assembly of lands for the proposed building lot. The applicant has obtained a legal opinion prepared by Bezaire, Hemeryck, Barnett Lawyers, dated December 15, 2021, that the property known as 151 Rouen Street consists of two separate conveyable lots (Lot 24 and Lot 25, Plan 396). Both lots are being severed and reconfigured to create the building lot.

**County of Elgin Official  
Plan**  
Tier 1 Settlement Area

**Local Municipality Official  
Plan**  
Residential

**Local Municipality Zoning  
By-law**  
Single Residential Zone (R2)

**REVIEW & ANALYSIS:**

**Public and Agency Comments**

**Municipality of Central Elgin –**

1. The chain link fence and hedgerow encroaching on the Rouen Street and Lorne Street municipal right-of-way be removed and the framed sheds on the residential building lot be removed to the satisfaction of the Municipality of Central Elgin;



2. The applicant enters into an agreement with the Municipality of Central Elgin to address administrative, technical, and financial matters;
3. The severed land be merged in title with the abutting lands to the north, Part Lot 25, Registered Plan No. 396;
4. That Subsection 3 or 5 of Section 50 of the Planning Act, R.S.O., 1990, as amended shall apply to any subsequent conveyance or transaction involving the subject lands;
5. The Solicitor for the applicant is to provide an undertaking, whereby they inform the committee in writing, that the lands are being conveyed to an abutting property owner and thus a merger of title will take place, which merger shall include all interests held inclusive or mortgagee's interest; and
6. The Municipality of Central Elgin be provided with a copy of the Reference Plan.

*County Engineering – No comments.*

*Kettle Creek Conservation Authority – No comments.*

Planning Act and Provincial Policy Statement (PPS)

In considering this application, staff must have regard to matters of Provincial Interest in accordance with Section 2 of the Planning Act (PA), and subdivision criteria in accordance with Section 51(24) of the PA.

The subject lands are within a Settlement Area, Section 1.0 of the 2020 PPS applies. Subsection 1.1.3 of the PPS deals with Settlement Areas. The policies state that settlement areas shall be the focus of growth and development.

It is staff's opinion that the proposed severance is consistent with these policies given that it seeks a lot addition to support the creation of a new development lot.

County of Elgin Official Plan

The subject lands are within a Tier 1 Settlement Area. Section B1 of the Official Plan states that settlement areas shall be the focus of growth and their vitality and regeneration shall be promoted. Policies for residential areas within settlement areas are found in Subsection C1.1.1 of the Plan. Those policies include, among other things:

*"It is the objective of this Plan to:*

- a) maintain and enhance the character and identity of existing residential areas;"*

Subsection E1.2.3.2 contains policies on Boundary Adjustments. Those policies state that:

*"A consent may be permitted for the purpose of modifying lot boundaries, provided no new building lot is created. In reviewing an application for such a boundary adjustment, the approval authority shall be satisfied that the boundary adjustment will not affect the viability of*

*the use of the properties affected as intended by this Plan. In addition, the approval authority shall be satisfied that the boundary adjustment will not affect the viability of the agricultural parcels affected.”*

There are also policies in Subsection E1.2 of the Plan that recognize the ability of the County or the lower tier municipality to require conditions for any consent application to address technical, financial and administrative matters.

These policies are consistent with the direction of the PPS. It is staff’s opinion that the proposed severance complies with the County Official Plan policies.

#### Local Municipality Official Plan and Zoning By-law

The subject lands are designated Residential on Schedule ‘G’ – Community of Port Stanley Land Use Plan. Section 4.2.1 of the OP contains the policies for the Residential designation, which permits a full range of residential dwelling types and densities. Subsection 5.3.9.1 of the OP contains the Consent Policies. Those policies state, among other things:

*“b) A consent for technical or legal purposes, such as a boundary adjustment, easement or right-of-way. The lots that are the subject of the application and any retained lands will comply with the Zoning By-law, or the consent will be conditional on a successful Zoning By-law amendment or Minor Variance.”*

These policies are generally consistent with those of the County Official Plan and the PPS. It is staff’s opinion that the proposed severance complies with the Municipality of Central Elgin Official Plan policies.

The subject lands are zoned Single Residential “R2” Zone (R2) of the Village of Belmont Zoning By-Law No. 91-21. Planning Staff completed a comprehensive zoning review of the proposal and confirmed that the reconfigured lots, existing single detached dwelling, and detached garage conform with the Village of Belmont Zoning By-law 91-21.

#### RECOMMENDATION:

This application for consent is consistent with both the 2020 Provincial Policy Statement and complies with the County of Elgin and Municipality of Central Elgin Official Plans regarding consents for lot adjustments. As such, planning staff are of the opinion that the application is supportable from a planning perspective and recommends approval subject to the following conditions from the Land Division Committee in its decision from the County of Elgin:

1. A digital copy of the draft and final deposited reference plan be provided to the County of Elgin;
2. The severed land be merged in title with the abutting lot, described as Part of Lot 25 on Registered Plan 396; and

3. Solicitor Undertaking whereby they inform the Committee in writing, that the lands are being conveyed to an abutting property owner and thus a merger of title will take place, which merger shall include all interests held inclusive or mortgagee's interest.

Additionally, it is recommended that the following conditions from the Municipality of Central Elgin be included as conditions for consent:

1. The chain link fence and hedgerow encroaching on the Rouen Street and Lorne Street municipal right-of-way be removed and the framed sheds on the residential building lot be removed to the satisfaction of the Municipality of Central Elgin;
2. The applicant enters into an agreement with the Municipality of Central Elgin to address administrative, technical, and financial matters;
3. The severed land be merged in title with the abutting lands to the north, Part Lot 25, Registered Plan No. 396;
4. That Subsection 3 or 5 of Section 50 of the Planning Act, R.S.O., 1990, as amended shall apply to any subsequent conveyance or transaction involving the subject lands;
5. The Solicitor for the applicant is to provide an undertaking, whereby they inform the committee in writing, that the lands are being conveyed to an abutting property owner and thus a merger of title will take place, which merger shall include all interests held inclusive or mortgagee's interest; and
6. The Municipality of Central Elgin be provided with a copy of the Reference Plan.



**CORPORATION OF THE COUNTY OF ELGIN  
NOTICE OF APPLICATION FOR CONSENT  
APPLICATION NO. E 67-21**

**PT LOT 13, CONCESSION 10  
MUNICIPALITY OF WEST ELGIN  
MUNICIPAL ADDRESS: 20183 MARSH LINE**

**TAKE NOTICE that** an application has been made by **DeWild Farms Inc.**, 20183 Marsh Line, Rodney ON N0L 2C0 a consent pursuant to Section 53 of the Planning Act, 1990, as amended, to sever lands municipally known as 20183 Marsh Line, Municipality of West Elgin.

The applicant proposes to sever a parcel with a frontage of 77.26 metres (253.47 feet) along Marsh Line by a depth of 89.48 metres (293.57 feet) and an area of 0.69 hectares (1.71 acres) containing one residence, barn and shed, surplus to the needs of the purchasing farmer. The owners are retaining 13.2 hectares (32.6 acres) proposed to be added to the neighbouring farm property, to remain in agricultural use.

The location of the property is shown on the Key Map attached.

**ADDITIONAL INFORMATION** regarding the application is available for inspection daily, Monday to Friday, between 8:30 A.M. and 4:30 P.M., at the County Municipal Offices, 450 Sunset Drive, St. Thomas or at a Public Hearing to be held on:

**WEDNESDAY FEBRUARY 23, 2023 AT 9:50 AM.  
BY VIDEO/TELEPHONE CONFERENCE OR IN PERSON AT  
Council Chambers, County Municipal Offices, 450 Sunset Drive, St. Thomas**

Any person or public body may attend the Public Hearing and/or make written or verbal representation either in support of, or in opposition to the proposed consent.

**PLEASE NOTE: YOUR PARTICIPATION BY VIDEO/TELECONFERENCE IS PREFERRED.**

**DUE TO PROVINCIAL ORDERS, ATTENDANCE IN PERSON MAY BE RESTRICTED. PLEASE CONTACT [landdivision@elgin.ca](mailto:landdivision@elgin.ca) AT LEAST 24 HOURS BEFORE THE MEETING TO ARRANGE FOR VIDEO/TELECONFERENCE OR TELEPHONE INFORMATION, OR TO CONFIRM IF IN PERSON ATTENDANCE IS POSSIBLE.**

If you wish to be notified of the decision of the Land Division Committee in respect of the proposed consent, you must submit a written request to the Land Division Committee. This will also entitle you to be advised of any appeal to the Local Planning Appeal Tribunal.

If a person or public body that files an appeal of a decision of the Land Division Committee in respect of the proposed consent does not make written or oral submissions to the Land Division Committee before it gives or refuses to give a provisional consent, the Local Planning Appeal Tribunal may dismiss the appeal.

Dated at the Municipality of Central Elgin this 25<sup>th</sup> day of February, 2022.

Julie Gonyou  
Secretary-Treasurer  
Land Division Committee

**County of Elgin  
Planning Department**  
450 Sunset Drive  
St. Thomas, Ontario  
N5R 5V1 Canada  
Phone: 519-631-1460  
Fax: 519-631-4549  
[www.progressivebynature.com](http://www.progressivebynature.com)

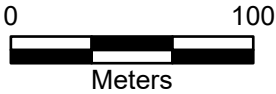




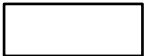
# Location Map

Subject Site: 20183 Marsh Line  
File Number: 67-2021  
Owner: John Lamb  
Planner: Nancy Pasato  
Created By: AL  
Date: 08/24/2021

The Corporation of the County Elgin  
Prepared By: Planning and Development



## Legend



Subject Site



Severed



Retained

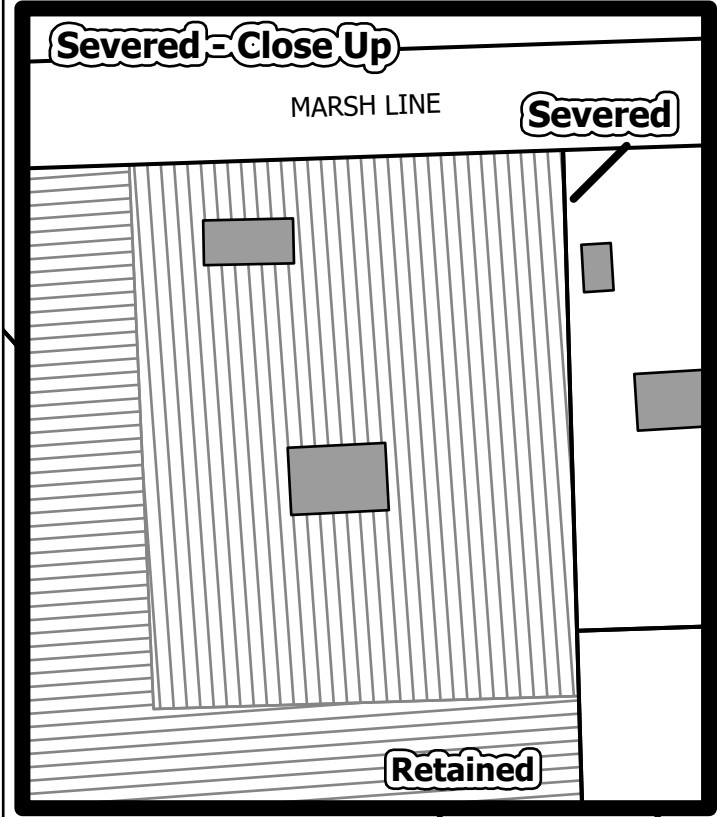
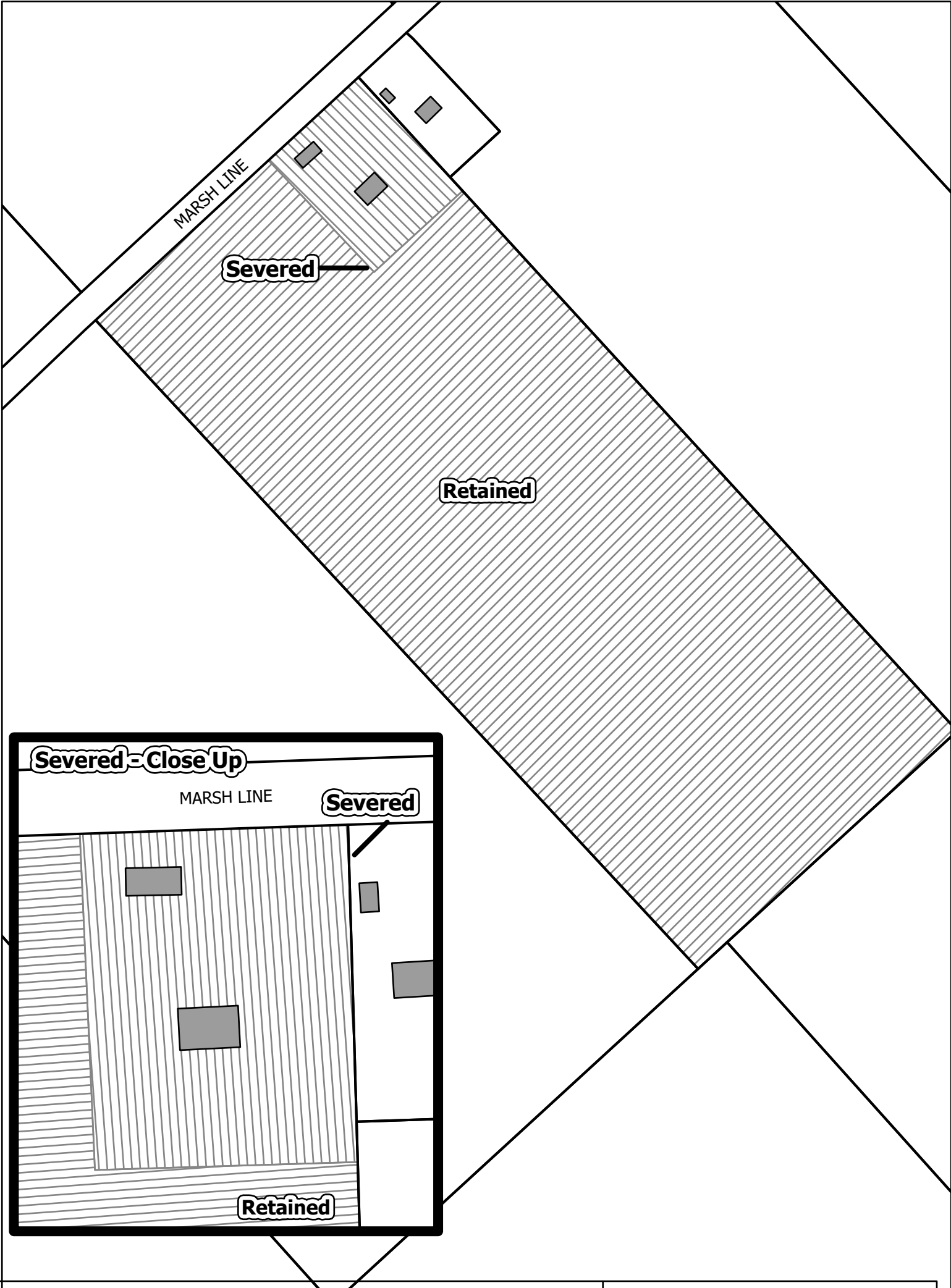


Elgin Road Network



Buildings

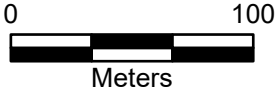




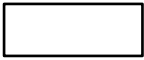




Location Map

Subject Site: 20183 Marsh Line  
File Number: 67-2021  
Owner: John Lamb  
Planner: Nancy Pasato  
Created By: AL  
Date: 08/24/2021

The Corporation of the County Elgin  
Prepared By: Planning and Development



Legend

-  Subject Site
-  Severed
-  Retained
-  Elgin Road Network
-  Buildings



# Municipality of West Elgin

22413 Hoskins Line, Rodney, Ontario N0L 2C0

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VIA E-MAIL ONLY

September 14, 2021

County of Elgin  
c/o Aisling Lavery, Secretary-Treasurer  
County of Elgin Land Division Committee  
450 Sunset Drive  
St. Thomas, Ontario N5R 5V1  
E-mail: [alavery@elgin.ca](mailto:alavery@elgin.ca)

Ms. Lavery:

**RE: Municipality of West Elgin Severance (Consent) Application - Comments to the County of Elgin**  
**County File Number: E67-21**  
**Legal Description: Part Lot B, Concession 10**  
**Civic Address: 20183 Marsh Line**

Please be advised that the Municipality of West Elgin have reviewed the above noted application. Please find attached the following documentation, as it relates to the above noted files:

1. West Elgin Council Resolution 2021-284, dated September 14, 2021;
2. Planning Staff Report 2021-26: Severance Application E67-21 – Comments to County of Elgin, dated September 9, 2021; and
3. E67-21 Municipal Appraisal Form.

Should you have any questions or concerns, please do not hesitate to contact this Planning Office.

Yours truly,

*Bryan Pearce*

Bryan Pearce, HBA, CPT, MCIP, RPP  
Planner  
Municipality of West Elgin  
22413 Hoskins Line  
Rodney ON N0L 2C0  
Phone: (519) 785-0560  
Cell: (519) 280-1028  
Fax: (519) 785-0644  
Email: [planning@westelgin.net](mailto:planning@westelgin.net)

cc. Nancy Pasato, Manager of Planning Services, County of Elgin (Email: [npasato@elgin.ca](mailto:npasato@elgin.ca))  
Ed Dewild, Applicant (Email: [eddewild@gmail.com](mailto:eddewild@gmail.com))  
John Lamb, Owner (Email: [johnlamb1962@icloud.com](mailto:johnlamb1962@icloud.com))



# The Municipality of West Elgin

22413 Hoskins Line, Rodney Ontario N0L 2C0

September 14, 2021

At the Regular Meeting of Council on September 9, 2021 the Council of the Municipality of West Elgin passed the following Resolution:

**Resolution No. 2021- 284**

**Moved: Councillor Tellier**

**Seconded: Councillor Cammaert**

That West Elgin Council hereby receives the report from Bryan Pearce regarding the severance application, File E67-21 – Comments to County of Elgin (Planning Report 2021-26);

And that West Elgin Council hereby recommends approval to the Land Division Committee of the County of Elgin for the severance application, File E67-21, subject to the Lower-Tier Municipal conditions in Appendix Two of this report;

And further that West Elgin Council directs Administration to provide this report as Municipal comments to the County of Elgin.

**Carried**

Jana Nethercott  
Clerk





## Staff Report

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**Report To:** Council Meeting

**From:** Bryan Pearce, Planner

**Date:** 2021-09-09

**Subject:** Severance Application E67-21 – Comments to County of Elgin (Planning Report 2021-26)

---

### **Recommendation:**

That West Elgin Council hereby receives the report from Bryan Pearce regarding the severance application, File E67-21 – Comments to County of Elgin (Planning Report 2021-26);

And that West Elgin Council hereby recommends approval to the Land Division Committee of the County of Elgin for the severance application, File E67-21, subject to the Lower-Tier Municipal conditions in Appendix Two of this report;

And further that West Elgin Council directs Administration to provide this report as Municipal comments to the County of Elgin.

### **Purpose:**

The purpose of this Report is to provide Council with recommendations related to authorizing municipal comments to the County of Elgin regarding County of Elgin Severance Application E67-21, as Elgin County is the planning approval authority for severances.

The purpose of the application is to facilitate the lot creation of a surplus farm dwelling that is part of a farm consolidation within our agricultural area, on Marsh Line.

### **Background:**

Below is background information, in a summary chart:

<b>Application</b>	E67-21
<b>Owner / Purchaser</b>	Dewild Farms Inc.
<b>Applicant</b>	Dewild Farms Inc.
<b>Legal Description</b>	Part Lot B, Concession 10
<b>Civic Address</b>	20183 Marsh Line
<b>Entrance Access</b>	Marsh Line
<b>Water Supply</b>	Privately owned and operated individual well
<b>Sewage Supply</b>	Private on-site individual septic system
<b>Existing Land Area</b>	14.00 ha (34.60 ac)

Below is the detailed dimensions and land areas of the application, in a chart:

Application	Severed Parcel			Retained Parcel		
	Frontage	Depth	Area	Frontage	Depth	Area
<b>E67-21</b>	77.26 m (253.48 ft)	104.74 m (343.64 ft)	8,093 sqm (2.00 ac)	160 m (524.93 ft)	590 m (1,935.70 ft)	13.2 ha (32.62 ac)

The Public Hearing is scheduled for September 22, 2021 at the Elgin County Land Division Committee Meeting.

Figure One below, depicts the existing parcel of the Lamb Lands.



The severance sketch, showing E67-21 is attached to this report as Appendix One for reference purposes.

### **Financial Implications:**

None. Application fees were collected in accordance with the Municipality's Fees and Charges By-law, as amended time to time.

### **Policies/Legislation:**

Planning authorities must have regard to matters of Provincial interest, the criteria of the *Planning Act*, be consistent with the Provincial Policy Statement (PPS) and does not conflict with Provincial Plans. Within the Municipality of West Elgin, they must also make decisions that conform to the County of Elgin Official Plan (CEOP) and Municipality of West Elgin Official Plan (OP) and make decisions that represent good land use planning.

With regard to this proposal involving severances, the Planning Authority is the County of Elgin Land Division Committee, wherein the Municipality provides agency comments to the County of Elgin as part of their decision-making process.

### **PPS:**

Lot creation in agricultural areas is permitted for a residence surplus to a farming operation because of farm consolidation, provided that the new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services; and the planning authority created by the severance, in accordance with Section 2.3.4.1(c) of the PPS. New land uses, including the creation of lots and new or expanding livestock facilities shall comply with the minimum distance separation formulae, in accordance with Section 2.3.3.3 of the PPS. The severed parcel is limited in area to accommodate the existing infrastructure associated with the existing dwelling; and the Applicant notes that there are no livestock barns within 750 metres of the subject lands, as concurred by Planning Staff, but MDS-1 is exempt on the surrounding lands as per Guideline 9 of the MDS Guidelines, as there is no specific policies contained in the OP requiring this aspect and there are no existing livestock facilities on the retained parcel.

No development is proposed within the natural heritage (Section 2.3) and natural hazard (Section 3.1) portions of the property.

This proposal appears to be consistent with the PPS.

### **CEOP:**

The subject lands are designated Agricultural Area on Schedule 'A' Land Use in the CEOP. A portion of the proposed retained parcel is within Woodlands as indicated on Appendix #1 Natural Heritage Features and Areas in the CEOP.

Section E1.2.3.4 b) of the CEOP permits the creation of new lots provided the local Official Plan supports their creation and if the lot is to be created to accommodate a habitable residence that has become surplus to a farming operation as a result of a farm consolidation provided that the development of a new residential use is prohibited on any retained parcel of farmland created by the consent to sever. In this instance the purchasing farmer's intent is to merge the retained parcel with the lands to the west, thereby achieving the same purpose. The residence to be severed is habitable and is surplus to the owner's farming operations. The proposed severed parcel meets the MDS I setbacks as there are no barns capable of housing livestock. The residence is connected to the municipal water and private individual on-site septic system.

No development is proposed within the natural heritage (Section D1.2) and natural hazard (Section D3.1) portions of the property.

Therefore, this proposal appears to conform to the CEOP.

**OP:**

The subject lands are designated as Agricultural, as shown on Rural Area Land Use and Transportation Schedule 'E' of the OP.

The agricultural land use policies, under Section 6.2 of the OP, permit farm dwelling on the farm operation.

Section 6.2.9 policies of the OP, state that the creation of a lot for the purposes of disposing of a dwelling considered surplus as a result of farm consolidation, being the acquisition of additional farm parcels to be operated as one farm operation, shall be considered in accordance with the following:

- a) The dwelling considered surplus has been in existence for at least 10 years;
- b) The dwelling is structurally sound and suitable, or potentially made suitable, for human occupancy;
- c) No new or additional dwelling is permitted in the future on the remnant parcel which shall be ensured through an amendment to the Zoning By-law;
- d) Compliance with MDS I with respect to any livestock building, structure, or manure storage facility on the remnant parcel;
- e) Minimizing the loss of productive farmland; and
- f) Deteriorated derelict abandoned farm buildings (including farm buildings and structures with limited future use potential) are demolished and the lands rehabilitated.

Administration advises that:

- The proposed severance demonstrates that the residence is surplus to the owners' farming operation and the dwelling has been in existence greater than ten years and is structurally sound and suitable for human occupation;
- The remnant parcel would be consolidated with the vacant property to the west, also owned by the purchasing farmer, so no new development potential is being considered;
- There are no livestock operations affecting the proposal, with respect to MDS I;
- The proposed severed parcel is minimizing the loss of the productive farmlands to the best of its abilities with existing site features; and
- There are no farm buildings that area deteriorated, derelict or abandoned for consideration of removals.

No development is proposed within the natural heritage and natural hazard portions of the property.

Lot creation polices under Section 10.4.1 of the OP, allows for severance (consent) application to be the method utilized since no infrastructure is warranted with this proposed development and is in compliance with the criteria of Section 51(24) of the *Planning Act*.



Therefore, this proposal appears to conform to the OP.

### **Municipality of West Elgin Comprehensive Zoning By-law 2015-36 (ZBL):**

The subject lands are zoned General Agricultural (A1) on Schedule A, Map 53 of the ZBL, as depicted in Figure Two to the right.

Permitted uses within the General Agricultural (A1) Zone include single unit dwelling. The minimum lot area and lot frontage requirements of the General Agricultural (A1) Zone are 20.2 hectares and 300 metres respectively.

The proposed severed parcel area is approximately 8,093 square metres (2.00 acres), with a lot frontage of 77.26 metres (253.48 feet); and would need to be rezoned to implement the proposed lot creation, by rezoning it to the Restricted Agricultural (A3) Zone, as a condition of approval. The Restricted Agricultural (A3) Zone has a minimum lot area of 4000 square metres and a minimum lot frontage of 30 metres respectively.

The proposed retained parcel would stay in the General Agricultural (A1) Zone, since it is to be amalgamated with the property to the west, also owned by the purchasing farmer.

Therefore, it would appear that the proposal would comply with the ZBL, provided a Zoning By-law Amendment was obtained for the severed parcel, that can be addressed through a condition of the consent application.

### **Interdepartmental Comments:**

The severance applications were circulated to municipal staff for comment. The following comments were received:

#### **Drainage:**

Drainage Department noted the following:

- The subject lands are within the Kruppe Drain, Schweitzer Drain, and Hampton Drain municipal drainage areas.



Planning Staff notes that this can be addressed as condition of approval for reassessment processes.

**Utilities:**

Utilities Department noted the following:

- No issues of concern, as no municipal water and sewer fronts this subject lands.

**Public Works:**

Public Works Department noted the following:

- If the applicant wishes to put a new entrance in for farm access, an entrance permit would be required. Alternatively, entrance access may be obtained from the existing entrance access farmlands to the west.

Planning Staff notes that the intent is to obtain entrance access from the lands to the west, since the retained parcel would be merged with the lands to the west.

At the time of submission of this report, no other comments or concerns were received from Administration.

**Summary:**

Therefore, it is Planning Staff's opinion that the proposed surplus farm dwelling lot creation consent, would appear to be consistent with the PPS, conforms to the CEOP and conforms to the OP, complies with the ZBL (subject to relief); and that Council recommends to the County of Elgin that the consent be approved, subject to the lower-tier municipal conditions listed in this report.

The County of Elgin, as the Planning Approval Authority, will have to review the application accordingly against the planning documents (PPS, CEOP, OP and ZBL) and obtain comments from the other agencies and members of the public through the public consultation process, as part of their decision-making on the planning application.

Respectfully Submitted,

Bryan Pearce, HBA, CPT, MCIP, RPP  
Planner  
Municipality of West Elgin

**PLANNING REPORT 2021-26  
APPENDIX ONE: SEVERANCE  
(CONSENT) SKETCH - E67-21**

## SKETCH FOR PROPOSED SEVERENCE

PART OF LOT B

## CONCESSION 10

(GEOGRAPHIC TOWNSHIP OF ALDBOROUGH)

THE

MUNICIPALITY OF WEST ELGIN  
COUNTY OF ELGIN

NOT TO SCALE

AREA OF PARCEL "A"

= 8093 SQUARE METRES

## "NO AERIAL HYDRO LINES"

## LEGEND

DENOTES FENCE

DENOTES FENCE

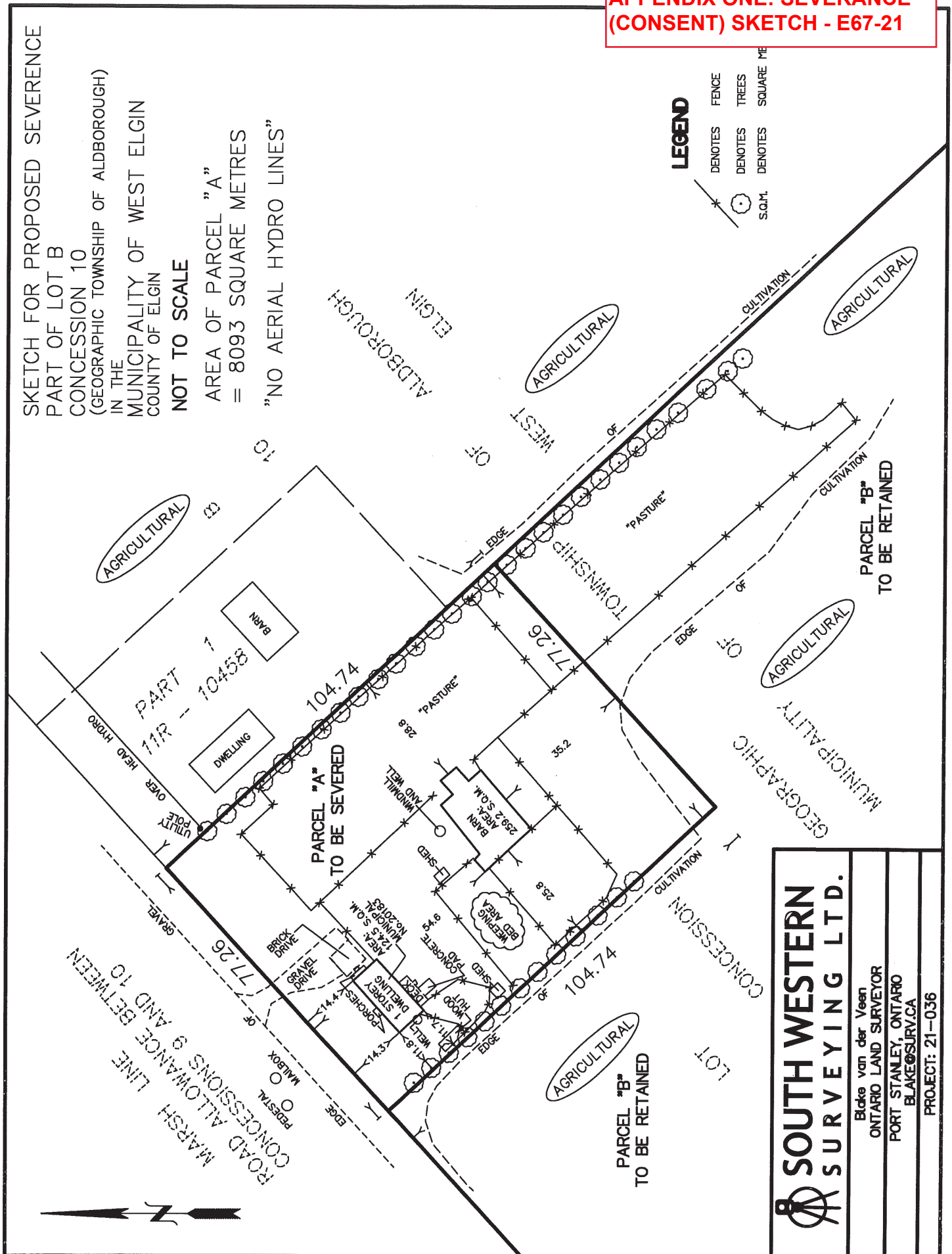
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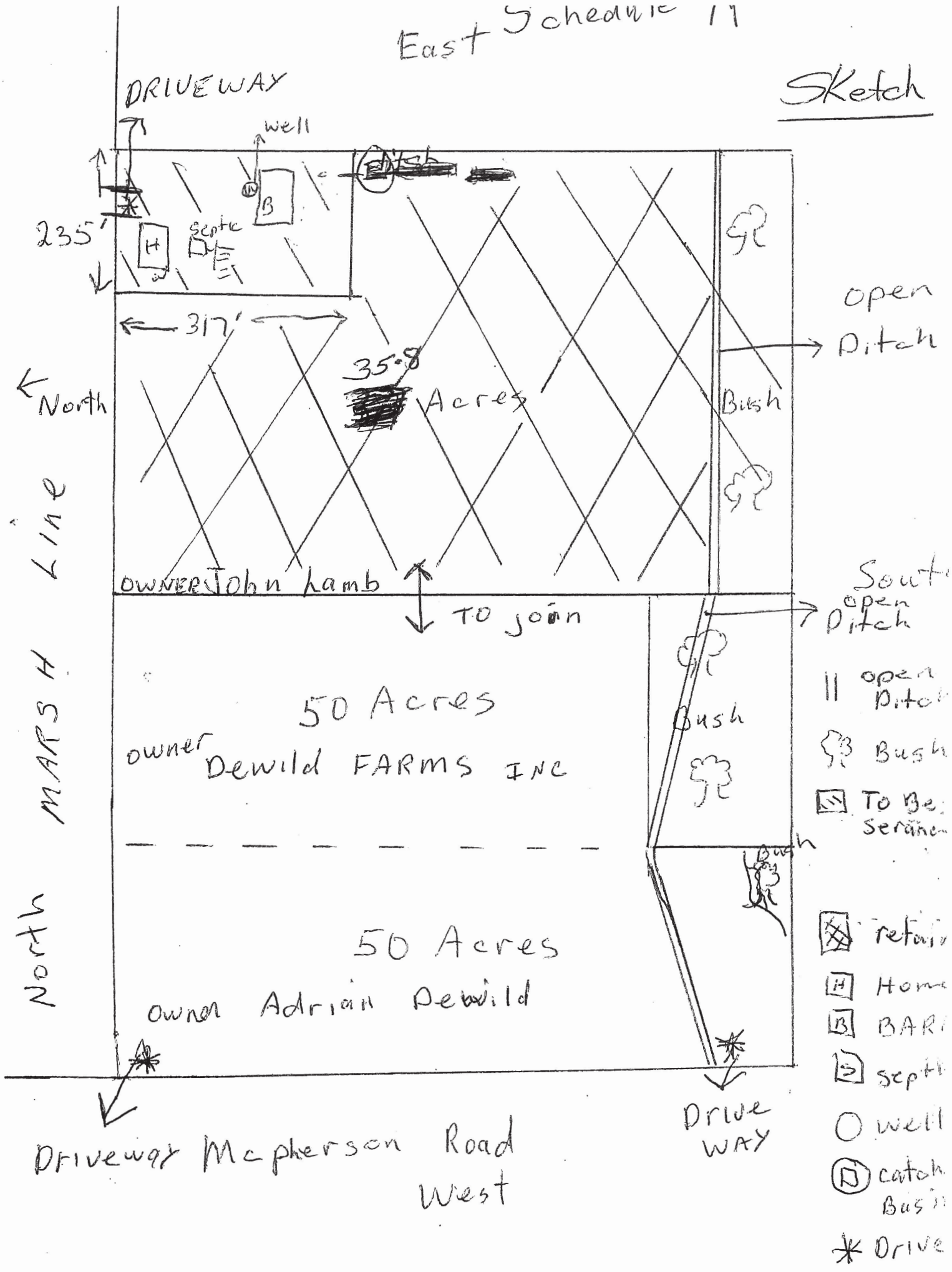
S.Q.M. DENOTES SQUARE ME

**SOUTH WESTERN  
SURVEYING LTD.**

**Blake van der Veen**  
**ONTARIO LAND SURVEYOR**  
**PORT STANLEY, ONTARIO**  
**BLAKE@SURV.CA**

**PROJECT: 21-036**







**Planning Report 2021-26: Severance Report E67-21 –**  
**Comments to the County of Elgin**

**Appendix Two: Severance Application E67-21 Conditions**

Severance Application E67-21 Conditions:

1. That the Applicant meet all the requirements, financial and otherwise of the Municipality, to the satisfaction and clearance of the Municipality.
2. That the Applicant provides a description of the lands to be severed which can be registered in the Land Registry Office, to the satisfaction and clearance of the Municipality.
3. That the Applicant's Solicitor provides an undertaking to the Municipality, to provide a copy of the registered deed for the severed parcel once the transaction has occurred to the Municipality.
4. That the Applicant successfully apply to the Municipality for a Zoning By-law Amendment for the severed parcel and having such rezoning of the Zoning By-law come into full force and effect pursuant to the Planning Act, to the satisfaction and clearance of the Municipality.
5. That the Applicant shall have a private water well assessment completed on the severed parcel to ensure the drinking water source is safe for human consumption, to the satisfaction and clearance of the Municipality.
6. That the Applicant have a septic system assessment be completed by a qualified individual, on the proposed severed parcel to ensure that the lands are suitable for a privately owned and operated septic system, to the satisfaction and clearance of the Municipality.
7. That the Applicant have a drainage reapportionment completed pursuant to the *Drainage Act*, to the satisfaction and clearance of the Municipality.
8. That the Applicant's Solicitor provided an undertaking to the Municipality, to provide a copy of the registered deed for the retained parcel prior to the transfer of the severed parcel, by transferring retained parcel to the purchasing farmer as part of a farm consolidation with the abutting lands to the west, once the transaction has occurred to the Municipality.
9. That prior the final approval of the County, the County is advised in writing by the Municipality how the above-noted conditions have been satisfied.
10. That all conditions noted above shall be fulfilled within one year of the Notice of Decision, so that the County of Elgin is authorized to issue the Certificate of Consent pursuant to Section 53(42) of the *Planning Act*.

## MUNICIPAL APPRAISAL SHEET – LAND DIVISION COMMITTEE

Your assistance is requested in answering the questions below. Please complete Parts 1 and 2 and submit to the Secretary Treasurer of the Land Division Committee as soon as possible. Please complete and submit Part 3 once the local Council has provided a recommendation on the application.

Submission E67-21

Owner / Purchaser: Dewild Farms Inc. Applicant/Agent: Dewild Farms Inc.

Location: Part Lot B, Concession 10

### PART 1 - OFFICIAL PLAN

- |   |   |                                 |
|---|---|---------------------------------|
| 1. Is there an O.P. in effect?              | Yes ( <input checked="" type="checkbox"/> ) | No ( <input type="checkbox"/> ) |
| 2. Does the proposal conform with the O.P.? | Yes ( <input checked="" type="checkbox"/> ) | No ( <input type="checkbox"/> ) |

Land Use Designation: Agricultural – West Elgin Official Plan

Policies: Section 6.2 and 10.4.1 (West Elgin Official Plan)

### PART 2 - ZONING

- |   |   |  |
|---|---|--|
| 3. Is there a By-Law in effect?                                   | Yes ( <input checked="" type="checkbox"/> ) | No ( <input type="checkbox"/> )            |
| 4. Does the proposal conform with all requirements of the By-Law? | Yes ( <input type="checkbox"/> )            | No ( <input checked="" type="checkbox"/> ) |

Comments:

Relief to the Zoning By-law is required for the severed parcel.

- |  |   |                                 |
|--|---|---------------------------------|
| 5. If not, is the Municipality prepared to amend the By-Law? | Yes ( <input checked="" type="checkbox"/> ) | No ( <input type="checkbox"/> ) |
|--|---|---------------------------------|

PART 3 – COUNCIL RECOMMENDATION – please complete below and send to the Secretary Treasurer of the Land Division Committee and attached any comments, staff reports(s) and Council resolutions/recommendations

- |   |   |  |
|---|---|--|
| 6. Does the Municipality foresee demand for new municipal services? | Yes ( <input type="checkbox"/> )            | No ( <input checked="" type="checkbox"/> ) |
| 7. If so, is the Municipality prepared to provide those services?   | Yes ( <input type="checkbox"/> )            | No ( <input type="checkbox"/> )            |
| 8. Does the Municipality wish the Committee to impose conditions?   | Yes ( <input checked="" type="checkbox"/> ) | No ( <input type="checkbox"/> )            |
| 9. Does Council recommend the application?                          | Yes ( <input checked="" type="checkbox"/> ) | No ( <input type="checkbox"/> )            |

10. Does the municipality have other concerns that should be considered by the Committee?

All local municipal interests are contained within the West Elgin Planning Staff Report 2021-26.

August 31, 2021

County of Elgin  
450 Sunset Drive  
St. Thomas, ON N5R 5V1

Attn: **Nancy Pasato**

Re: **Consent Application E 67/21**  
**20183 Marsh Line (Dewild)**  
**Part Lot 13, Concession 10**  
**Municipality of West Elgin**

Please be advised that the above mentioned application has been reviewed by this office and staff have no objections to this application as submitted to this office. The Conservation Authority is responsible for addressing the Natural Hazard Section of the Provincial Planning Policy Statement as well as the Conservation Authority's Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation, O. Reg. 152/06 under the Conservation Authorities Act. After reviewing our files and mapping, staff determined that the property in question is subject to the Authority's Development and Alteration to Watercourses portion of the regulations. The issue of concern in this area is the Kruppe Drain, the Hampton Drain and erosion.

An application from this office is required prior to any works/construction/site alteration taking place within the regulated area. The lands are not subject to flooding of a general nature and as such structures are not required to be flood proofed. However, the flood proofing of structures for the purposes of prevention of flood damage from local, overland drainage waters is always recommended. Setbacks from the drains will be required to any proposed structure.

I trust this is satisfactory, but if you should have any questions, or require more information, please call the office.

Yours truly



Valerie Towsley  
Resource Technician

**COUNTY OF ELGIN ROAD SYSTEM**

**DATE:**     September 5, 2021                      **ELGIN COUNTY ROAD NO.:**                      \_\_\_\_\_

**TO: THE COUNTY OF ELGIN LAND DIVISION COMMITTEE**

**RE:**

**APPLICATION NO.:**             E 67-21                      \_\_\_\_\_

**OWNER:**                             Dewild Farms Inc.                      \_\_\_\_\_

**PROPERTY:**                      **LOT NO.**                      Pt Lot 13                      **CONCESSION:**     10                      \_\_\_\_\_

**REG'D PLAN:**                      \_\_\_\_\_                      **MUNICIPALITY:**     West Elgin                      \_\_\_\_\_

The notice of the above application on the above premises has been received and I have the following comments to make:

- 1) Land for road widening is required .....  
*[Section 51 (25) of the Planning Act - That the owner dedicate lands along the frontage of the severed and retained lots/parcels up to 15m from the centreline of construction of County Road ( ) to the County of Elgin for the purposes of road widening if the right of way is not already to that width, to the satisfaction of the County Engineer. All costs to be borne by the owner.*

☐
- 2) A one-foot reserve is required along the N \_\_\_\_\_,  
S \_\_\_\_\_, E \_\_\_\_\_ and/or W \_\_\_\_\_ property line .....

☐
- 3) Drainage pipes and/or catchbasin(s) are required .....

☐
- 4) A Drainage Report is required under the Drainage Act \* (By Professional Engineer).....

☐
- 5) A curb and gutter is required along the frontage .....

☐
- 6) Direct Connection to a legal outlet for the severed and retained lots is required - If an existing connection is unavailable, to the satisfaction of the County Engineer. All costs to be borne by the owner. Discharge of water to the County road allowance is prohibited.....

☐
- 7) Technical Reports .....

☐
- 8) That, if necessary, an entrance permit be obtained from Elgin County for a new entrance to the severed and/or retained parcel(s). All costs associated with this shall be borne by the owner.....

☐
- 9) Lot Grading Plan is required for the severed and retained lots.....

☐
- 10) The County has no concerns.....

☐
- 11) Not on County Road .....

☒
- 12) Please provide me with a copy of your action on this application .....

☐
- 13) Other...

☐

**Note:** These lands are subject to County of Elgin By-Law No. 92-57, as amended by By-Law No. 96-45, and any amendments made thereto hereafter, being a by-law to regulate the construction or alteration of any entranceway, private roads or access to a County road.



\_\_\_\_\_  
**BRIAN LIMA, P. ENG.**  
**DIRECTOR OF ENGINEERING SERVICES**



**County of Elgin**  
450 Sunset Drive  
St. Thomas, Ontario  
N5R 5V1 Canada  
Phone: 519-631-1460  
Fax: 519-633-7661  
www.elgin-county.on.ca

APPLICATION FOR CONSENT PURSUANT TO SECTION 53 OF THE PLANNING ACT,  
1990, AS AMENDED.

**To:** Elgin County Land Division Committee  
**From:** St. Thomas Planning & Building Services  
**Date:** February 15, 2022  
**Application:** E 67-21

**Owner/Purchaser:**  
**DeWild Farms Inc. (Owner/Purchaser)**  
20183 Marsh Line  
Rodney ON N0L 2C0

**Agent:**  
**Gary Merritt (Lawyer)**  
213 Main Street  
Glencoe ON N0L 1M0

**Location:** 20183 Marsh Line, legally described as Pt Lot B, Concession 10, Municipality of West Elgin.

**PROPOSAL**

The applicants propose to sever a parcel with a frontage of 77.26 metres (253.47 feet) along Marsh Line by a depth of 89.48 metres (293.57 feet) and an area of 0.6913 hectares (1.71 acres) containing one residence, barn and shed, surplus to the needs of the purchasing farmer. The applicants are retaining 13.2 hectares (32.617 acres) proposed to remain in agricultural use.

**County of Elgin Official  
Plan**  
Agricultural Area

**Local Municipality Official  
Plan**  
Agricultural

**Local Municipality Zoning  
By-law**  
General Agricultural (A1)

**REVIEW & ANALYSIS:**

**Public and Agency Comments**

*Municipality of West Elgin* - Recommends approval subject to the provided conditions.

*County Engineering* – indicated this application is not on a County road.

*Lower Thames Valley Conservation Authority* – no concerns.

**Planning Act and Provincial Policy Statement**

In considering this application, staff must have regard to matters of Provincial Interest in accordance with Section 2 of the Planning Act (PA), and subdivision criteria in accordance with Section 51(24) of the PA.

The application shall also be consistent with the 2020 Provincial Policy Statement (PPS). Policy 2.3.4. discourages lot creation in agricultural areas and may only be permitted for agricultural uses, agriculture-related uses, infrastructure, and a residence surplus to a farming operation as a result of farm consolidation, provided that:

- the new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services; and
- the planning authority ensures that new residential dwellings are prohibited on any remnant parcel of farmland created by the severance.

The Applicant has indicated that the retained lands will maintain their current agricultural use. Policy 2.3.4.1 c) 1. states that any new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services. The proposed severed lands (0.6913 hectares/1.71 acres) will contain an existing dwelling, shed and barn, and the existing private servicing (privately owned and operated individual well and privately owned and operated individual septic tank). The applicant has indicated that the proposed severance is the result of a farm consolidation on behalf of the purchasing farmer, which with proclamation of Bill 276 on January 1, 2022 now allowing purchasers under an agreement of purchase and sale to apply for a consent, now does meet the criteria for lot creation in agricultural areas, as outlined in the PPS.

#### County of Elgin Official Plan

The subject site is within the Agricultural Area designation of the Elgin County Official Plan (OP). A portion of the subject site contains the Woodland overlay, as per Appendix 1 of the County OP. New lots may be permitted if the local Official Plan supports their creation and if the lot is considered surplus to a farming operation as a result of a farm consolidation, provided that the development of a new residential use is prohibited on any retained parcel of farmland created by the consent to sever, unless the retained parcel is the product of the merging in title of two adjacent agricultural parcels in which case a dwelling unit would be permitted as part of the operation. The portion of the lands containing the Woodland overlay will not be fragmented or impacted by this application.

The Applicant has previously indicated that the retained lands (13.2 hectares/32.617 acres) will maintain their existing agricultural use. This application is a result of a farm consolidation on behalf of the purchasing farmer and with proclamation of Bill 276 on January 1, 2022 now allowing purchasers under an agreement of purchase and sale to apply for a consent, therefore the application now does meet the policies of the County Official Plan regarding agricultural lot creation.

#### Local Municipality Official Plan and Zoning By-law

The subject lands are designated as Agricultural, as shown on Rural Area Land Use and

Transportation Schedule 'E' of the West Elgin Official Plan. Agricultural land use policies permit farm dwellings on the farm operation. Lot creation for purposes of disposing of a dwelling considered surplus as a result of farm consolidation, is permitted as per Section 6.2.9 criteria.

The subject lands are zoned General Agricultural (A1) on Schedule A, Map 53 of the Zoning By-law. Permitted uses within the General Agricultural (A1) Zone include single unit dwelling. The proposed severed parcel would need to be re-zoned, as a condition of approval, to acknowledge the reduced lot area.

The application appears to conform with both the Official Plan and Zoning By-law of West Elgin.

**RECOMMENDATION:**

This application was originally deferred by the Committee as at the time it was considered not consistent with either the 2020 Provincial Policy Statement or the County of Elgin Official Plan regarding lot creation for surplus dwellings in agricultural areas since the dwelling was surplus to the needs of the purchasing farmer. Changes to the Planning Act brought about with proclamation of Bill 276 on January 1, 2022 now allow purchasers under an agreement of purchase and sale to apply for a consent, including a consent for a surplus farm dwelling. Staff are of the opinion that the application can now be considered consistent with the PPS and the County OP.

Should the Land Division Committee support the application, the following conditions are recommended by Elgin County:

1. A digital copy of the draft and final deposited reference plan be provided to the County of Elgin;
2. Solicitor Undertaking to provide a copy of registered deed for the severed parcel once completed: and
3. Municipal addressing to be provided to Elgin County, from the local municipality, prior to final approval, to the satisfaction of Elgin County Planning.

It is recommended that the following conditions from the Municipality of West Elgin be included as conditions for consent, if supported:

1. That the Applicant meet all the requirements, financial and otherwise of the Municipality, to the satisfaction and clearance of the Municipality.
2. That the Applicant provides a description of the lands to be severed which can be registered in the Land Registry Office, to the satisfaction and clearance of the Municipality.

3. That the Applicant's Solicitor provides an undertaking to the Municipality, to provide a copy of the registered deed for the severed parcel once the transaction has occurred to the Municipality.
4. That the Applicant successfully apply to the Municipality for a Zoning By-law Amendment for the severed parcel and having such rezoning of the Zoning Bylaw come into full force and effect pursuant to the Planning Act, to the satisfaction and clearance of the Municipality.
5. That the Applicant shall have a private water well assessment completed on the severed parcel to ensure the drinking water source is safe for human consumption, to the satisfaction and clearance of the Municipality.
6. That the Applicant have a septic system assessment be completed by a qualified individual, on the proposed severed parcel to ensure that the lands are suitable for a privately owned and operated septic system, to the satisfaction and clearance of the Municipality.
7. That the Applicant have a drainage reapportionment completed pursuant to the Drainage Act, to the satisfaction and clearance of the Municipality.
8. That the Applicant's Solicitor provided an undertaking to the Municipality, to provide a copy of the registered deed for the retained parcel prior to the transfer of the severed parcel, by transferring retained parcel to the purchasing farmer as part of a farm consolidation with the abutting lands to the west, once the transaction has occurred to the Municipality.
9. That prior the final approval of the County, the County is advised in writing by the Municipality how the above-noted conditions have been satisfied.
10. That all conditions noted above shall be fulfilled within one year of the Notice of Decision, so that the County of Elgin is authorized to issue the Certificate of Consent pursuant to Section 53(42) of the Planning Act.