# REPORT SUMMARY

**THIS PROPOSAL HAS BEEN PLACED INTO THE EXPEDITED APPROVAL PROCESS YOUR ATTENDANCE IS NOT REQUIRED BEFORE THE LAND DIVISION COMMITTEE. PLEASE SIGN and RETURN THE 'AGREEMENT TO CONDITIONS' LETTER IMMEDIATELY**

**Date of Consideration:** **November 13, 2014**

**File Number:** **B92/14**

**Applicant:** **Georgina Brown**

**Subject Lands:** TOWNSHIP OF WELLINGTON NORTH (Mount Forest) – Part Lots 13 & 14, W/S of Normanby St.

**Proposal is a request for consent to convey** fee simple for a proposed severance 60' fr x 98' = 5880 square feet in the TOWNSHIP OF WELLINGTON NORTH (Mount Forest) – Part Lots 13 & 14, W/S of Normanby St, vacant land for proposed urban residential use; retained lands are 5880 square feet.

## ISSUES: none

## SUMMARY of FILED REPORTS and COMMENTS:

**Township of Wellington North –** in support of application; conforms to zoning; conditions to apply

**County Planning** - Mount Forest Urban Centre – application is consistent with Provincial Policy and generally conforms to Official Plan; appears zoning relief for exterior side yard setback of 3m (9.8') would be required; no concerns provided conditions addressed

**Conservation Authority (Saugeen Valley) –** no significant natural heritage features or natural hazards affecting this property

**Others (e.g. neighbours)** Peter Fallis – agent cover letter (attached)

## ***PROPOSED CONDITIONS of APPROVAL***

**1) THAT** the Owner's solicitor, in preparation for the issuance of the Certificate of Consent, provide to the Secretary-Treasurer of the County of Wellington Planning and Land Division Committee a printed copy of the "completed electronic transfer document in preparation".
**2) THAT** the Solicitor for the Owner give an undertaking in writing to provide to the Secretary-Treasurer of the County of Wellington Planning and Land Division Committee within 30 days of the date of registration in the Land Registry/Land Titles Office for Wellington (No. 61) a copy of the receipted and registered electronic transfer document for Consent B92/14.
**3) THAT** the Owner, as provided for under Section 69 of the Planning Act, R.S.O. 1990, shall pay to the Treasurer of the County of Wellington the administrative fee which is in effect at the time of the payment of the fee for the review and issuance of the Certificate of Consent for the severed parcel.
**4) THAT** the transfer for registration with respect to description complies with Ontario Regulation 43-96; and if that description contains a reference to a Reference Plan(s), the Owner's solicitor **shall provide a full print of that deposited reference plan(s)** to the secretary-treasurer of the Planning and Land Division Committee.
**5) THAT** the Owner receive approval from the applicable road authority in a manner deemed acceptable to that road authority for an entrance to the severed and retained parcel if required; and further that the applicable authority file a letter of clearance of this condition with the Secretary-Treasurer of the Planning and Land Division Committee as written proof of fulfillment of this condition.
**6) THAT** the Owner satisfy all the requirements of the local municipality, financial and otherwise which the local municipality may deem to be necessary at the time of issuance of the Certificate of Consent for the proper and orderly development of the subject lands; and further that the Local Municipality file with the Secretary-Treasurer of the Planning and Land Division Committee a letter of clearance of this condition.
**7) THAT** the Owner satisfy the requirements of the Local Municipality in reference to parkland dedication as provided for in the Planning Act, R.S.O. 1990; and that the Local Municipality file with the Secretary-Treasurer of the Planning and Land Division Committee a letter of clearance of this condition.
**8) THAT** the Owner receive zoning compliance and classification from the Local Municipality in a manner deemed acceptable by the Local Municipality; and that the Local Municipality file with the Secretary-Treasurer of the Planning and Land Division Committee a letter of clearance of this condition.

*****Conditions may be deleted, added to, or changed at meeting*****

**County of Wellington Planning and Land Division Committee**
**Deborah Turchet, Secretary-Treasurer**
**Wellington County Administration Centre**
**74 Woolwich Street, Guelph, ON N1H 3T9**

October 30, 2014

**NOTICE OF CONSIDERATION IN PUBLIC FORUM**

**Pursuant to SECTION 53 of the ONTARIO PLANNING ACT and applicable Regulations**

**with respect to Application for consent,**

**File B92/14**

**APPLICANT**

Georgina Brown
11 Meadowland Drive
Brampton ON L6W 2R5

**LOCATION OF SUBJECT LANDS:**

WELLINGTON NORTH (Mount Forest)
Part Lots 13 & 14, W/S of Normanby St.
320 Wellington St. W

Proposal is to sever a lot 60' fr x 98' = 5880 square feet, (Parcel 2 on sketch) vacant land for proposed urban residential use.

Retained parcel is 60' fr x 98' = 5880 square feet, (Parcel 3 on sketch) existing and proposed urban residential use with existing dwelling.

AND FURTHER TAKE NOTICE that the Committee has appointed **THURSDAY, November 13, 2014**

for the purpose of considering this **EXPEDITED APPLICATION.**

**CONSIDERATION WILL BE HELD IN THE:** 3A (Keith Room)
County of Wellington Administration Centre
74 Woolwich Street
Guelph, Ontario N1H 3T9

**NOTICE** is being sent to you for your information. **THE OWNER, APPLICANT OR AUTHORIZED AGENT, OR AUTHORIZED SOLICITOR IS NOT REQUIRED TO ATTEND**. MAKE SURE THAT THE AGREEMENT LETTER IS SIGNED AND RETURNED TO THE PLANNING AND LAND DIVISION COMMITTEE OFFICE.

**Please also be advised** that if a person or public body that filed an appeal of a decision of the County of Wellington Planning and Land Division Committee in respect of the proposed consent has not made written submission to the County of Wellington Planning and Land Division Committee before it gives or refuses to give a provisional consent, then the Ontario Municipal Board may dismiss the appeal.

A Copy of the **DECISION** of the Committee will be sent **to the applicant, and to each person or agency who filed with the Secretary-Treasurer a written request for Notice of Decision.**

**Additional Information** regarding the application is available to the public during regular business hours, Monday to Friday at the County of Wellington Planning and Land Division Office, 74 Woolwich St. Guelph ON N1H 3T9

Phone - (519) 837-2600 x2170 Fax – (519) 837-3875

To view comments for this application on our website www.wellington.ca follow these steps:

- ⇨ **Government**
- ⇨ **Council and Standing Committees**
- ⇨ **Land Division Committee**
- ⇨ **choose month & year in drop down menus**
- ⇨ **Choose Land Division Committee in the drop down menu**
- ⇨ **open appropriate agenda**

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TO: **Applicant – Georgina Brown** **Agent – Peter Fallis**

RECEIVED
OCT 21 2014
SECRETARY TREASURER
WELLINGTON COUNTY
LAND DIVISION COMMITTEE

**MUNICIPALITY COMMENTING FORM**

The Planning and Land Division Committee, in considering the following application, respectfully requests input from the municipality. The Application and Sketch are enclosed for your information.

**FILE NO: B92/14**

**APPLICANT**

Georgina Brown
11 Meadowland Drive
Brampton, ON L6W 2R5

**LOCATION OF SUBJECT LANDS**

WELLINGTON NORTH (Mount Forest)
Part Lots 13 & 14, W/S of Normanby St.
320 Wellington St. W

Proposal is to sever a lot 60' fr x 98' = 5880 square feet, (Parcel 2 on sketch) vacant land for proposed urban residential use.

Retained parcel is 60'fr x 98' = 5880 square feet, (Parcel 3 on sketch) existing and proposed urban residential use with existing dwelling.

PLEASE PROVIDE COMPLETE PROPERTY ASSESSMENT ROLL NUMBER: 23 49 000 005 13901 (severed)

23 49 000 005 1400 (retained)

Does this description reasonable describe the parcel holdings? YES ( X ) ( )

If the answer is no, please provide new information:

Do you consider the proposal to conform to your Official Plan? YES ( ) NO ( )

What Section(s) does it conform to or contravene? (Please specify)

_____

_____

Will the Severed Parcel comply with all requirements of the Zoning By-law? YES ( X ) NO ( )

**(Please Specify)** Section 12 of Zoning By-law 66-01.

Will the Retained Parcel comply with all requirements of the Zoning By-law? YES ( X ) NO ( )

**(Please Specify)** Section 12 of Zoning By-law 66-01.

rIf Necessary, would the Municipality be prepared to consider an **Amendment** to the Zoning By-law to permit the proposal to conform? YES ( ) NO ( ) N/A ( ) or **Minor Variance** YES ( ) NO ( ) N/A ( )

Is proposal on an opened maintained year-round public road YES ( X ) NO ( )
If answer is NO, is municipality willing to enter into an agreement regarding use of the seasonal road, or opening up the road?

**Please specify** _____

_____

Is the Proposed Lot(s) serviced now by the Municipal Water YES ( ) NO ( ) Township water & sewer

Is the Retained Lot serviced now by Municipal Water YES ( ) NO ( ) is available

Is the Proposed Lot(s) serviced now by the Municipal Sewers YES ( ) NO ( ) " "

Is the Retained Lot serviced now by Municipal Sewers YES ( ) NO ( ) " "

Is there a **Capital Works Project** underway to service these lots in the near future YES ( ) NO ( )

**Approximate Time of Servicing Availability:** _____

Are there any other servicing arrangements, Municipal easements <u>or</u> Municipal Drains on the subject lands?

Continued to Page 2

## MUNICIPALITY COMMENTING FORM

## FILE NO: B 92/14

Is the Municipality's Building Official satisfied that there is a sufficient site on the severed parcel for individual well and septic services?

YES ( ) NO ( )

N/A

Is there any further Information that may assist the Planning and Land Division Committee?
(A letter may be attached if there is insufficient space to explain)

Is the Municipality in support of this application? YES (✓) NO ( )

What Conditions, if any, are requested by the Municipality if the Consent is granted?

*That the Owner satisfy all the requirements of the local municipality, financial and otherwise which the local municipality may deem to be necessary at the time of issuance of the Certificate of Consent for the proper and orderly development of the subject lands.*

*That the Owner receives approval from the applicable road authority if new driveway required.*

*That the Owner satisfy the requirements in reference to parkland dedication.*

Does the Municipality request a Notice of Decision YES (✓) NO ( )

SIGNATURE: Carly Brown

TITLE: Deputy Clerk

ADDRESS: 7490 Sideroad 7 W., Kenilworth, ON NOG 2EO

DATE: October 21, 2014

**Planning and Development Department | County of Wellington**
County Administration Centre | 74 Woolwich Street | Guelph ON N1H 3T9
T 519.837.2600 | F 519.823.1694

RECEIVED
OCT 21 2014
SECRETARY TREASURER
WELLINGTON COUNTY
LAND DIVISION COMMITTEE

| | |
|---|---|
| **Application** | B92/14 |
| **Location** | Part Lot 13 & 14, W/S Normanby St.<br>TOWNSHIP OF WELLINGTON NORTH |
| **Applicant/Owner** | Georgina Brown |

**PLANNING OPINION:** This application would sever a vacant 546 m² (5,880 ft²) residential lot (Parcel 2) in the urban centre of Mount Forest. A 546 m² (5,880 ft²) residential lot (Parcel 3) will be retained with an existing dwelling.

This application is consistent with Provincial Policy and would generally conform to the Official Plan. We would have no concerns, provided that the following matters are addressed as conditions of approval:

a) That zoning compliance be achieved for the retained lot to the satisfaction of the local municipality; and,
b) That safe drive way access be provided to the severed parcel to the satisfaction of the local municipality; and,
c) That servicing can be provided to the site to the satisfaction of the local municipality.

**PLACES TO GROW:** The Places to Grow policies place an emphasis on intensification and optimizing the use of existing land supplies. Under section 2.2.2.1 which deals with managing growth it states, "population and employment growth will be accommodated by focusing intensification in intensification areas". Intensification is defined as "the development of a property, site or area at a higher density than currently exists through,.....b) the development of vacant and/or underutilized lots within previously developed areas; or c) infill development".

**PROVINCIAL POLICY STATEMENT (PPS):** Section 1.1.3 of the Provincial Policy Statement directs growth to occur within settlement areas. The proposed lot creation is located within the Mount Forest Urban Centre and is consistent with the PPS.

**WELLINGTON COUNTY OFFICIAL PLAN:** The subject property is designated RESIDENTAL and is located in the Urban Centre of Mount Forest. Section 10.6.2, states that new lots may be created in Urban Centres provided that the lands are appropriately zoned. Lots may be created for a variety of community uses subject to the policies of this plan. Lot creation will normally proceed by plan of subdivision and will be based on the provisions of full urban services, wherever such services are available. We are satisfied that a plan of subdivision is not necessary for the creation the proposed lot.

The matters under section 10.1.3 were also considered.

**LOCAL ZONING BY-LAW:** The subject property is currently zoned Residential Zone (R2). It appears that zoning relief for the exterior side yard setback of 3 m (9.8ft.) would be required, whereas the by-law requires a setback of 7.6 m (24.9 ft.) It appears that both the minimum lot area and frontage requirements can be met for the severed and retained parcels.

**SITE VISIT INFORMATION:** The subject property was not visited.

Jameson Pickard

Jameson Pickard, Junior Planner
October 21st, 2014

1078 Bruce Road 12, P.O. Box 150, Formosa ON Canada N0G 1W0
Tel 519-367-3040, Fax 519-367-3041, publicinfo@svca.on.ca, www.svca.on.ca

SENT ELECTRONICALLY ONLY (debt@wellington.ca)

October 20, 2014

County of Wellington Planning & Land Division Committee
Wellington County Administration Centre
74 Woolwich Street
Guelph, ON
N1H 3T9

RECEIVED
OCT 20 2014
SECRETARY TREASURER
WELLINGTON COUNTY
LAND DIVISION COMMITTEE

ATTENTION: Deborah Turchet, Secretary-Treasurer

Dear Ms. Turchet,

RE: Application for Consent B92/14
320 Wellington Street West
Part Lots 13 -14, W/S Normanby Street
Geographic Town of Mount Forest
Township of Wellington North (Georgina Brown)

The Saugeen Valley Conservation Authority (SVCA) has reviewed this application for consent in accordance with the SVCA's mandate and policies and the Memorandum of Agreement between the Authority and the County of Wellington related to plan review. The proposal is to sever an area of vacant land for proposed residential use. The application for consent is acceptable to the SVCA. The following comments are offered.

There are no significant natural heritage features or natural hazards affecting this property.

All of the plan review functions listed in the Agreement have been assessed with respect to this proposal. The SVCA is of the opinion that the application for consent appears to conform to the relevant policies of the Wellington County Official Plan and Provincial Policies referred to in the Agreement.

We trust this information is helpful. Should any questions arise, please do not hesitate to contact this office.

Sincerely,

Valerie Lamont

Valerie Lamont
Environmental Planning Technician (Acting)
Saugeen Conservation

VL\

cc: Jana Poechman, Wellington County (via email)
Terry Fisk, SVCA Director (via email)
Georgina Brown, Owner (11 Meadowland Drive, Brampton, ON, L6W 2R5)

* comment package
B92/14


# FALLIS FALLIS & McMILLAN

BARRISTERS, SOLICITORS & NOTARIES

TELEPHONE (519) 369-2515
FAX (519)369-2522
E-MAIL peter@fallaw.ca
aferrier@fallaw.ca

CLAUDE E. FALLIS, LL.B., Q.C. (1910 - 1996)
PETER T. FALLIS, B.A., LL.B..
ERNEST J. McMILLAN, B.A., LL.B
ALEXANDRA A. FERRIER, B.S., M.A., J.D.

195 LAMBTON STREET EAST
P.O. Box 710
DURHAM, ONTARIO
CANADA, N0G 1R0


July 25th, 2014

**VIA: PUROLATOR COURIER**

County of Wellington Planning and
Land Division Committee,
County of Wellington Administration Centre
74 Woolwich Street,
GUELPH, ON N1H 3T9

RECEIVED
AUG 13 2014
SECRETARY TREASURER
WELLINGTON COUNTY
LAND DIVISION COMMITTEE

Dear Sirs:

**Re: Georgina Marion Brown**
**Application For Consent**

We act as solicitors for Georgina Mary Brown who is submitting an Application For Consent for the Subdivision of her lands lying within Lots 14 & 15 West Side of Normanby Street, former Town of Mount Forest, now the Township of Wellington North, bearing a municipal address of 320 Normanby Street West, Mount Forest , Ontario, N0G 2L0

The Application For Consent contains 28 pages, composed of the following:

1. Formal Application, duly completed and sworn, (pp 1-6). In that Application, Georgina Mary Brown, appointed Peter T. Fallis to be an authorized agent of the Registered Owner.

2. A Sketch, being a copy of the Registered Plan of Survey by Fred G. Cunningham, OLS, dated September 20, 1971, ("Survey"). The Survey was registered on March 9, 1972 in Instrument # 24681D, which instrument is located at pages 15 - 23. (Please note that this Survey was created for the purpose of creating the underlying survey fabric for 3 intended lots out of the holdings of Georgina Mary Brown, the Applicant herein. The subject conveyance in that instrument was for Parcel 1 described therein, Parcel 2, {"Severed Lands", and Parcel 3, {"Retained Lands"}, being retained by the Applicant. Parcels 2 and 3 are the same lands now contained in this Application.)

3. Executed Information Sheet, signed by Peter T. Fallis, as authorized agent for the Applicant, (page 8).

4. Copy of Instrument 8995 D, a conveyance of Pt Lt 14, West side of Normanby Street, Mount Forest to Georgina M. Brown, registered the 14th day of November 1966, (pp 9 - 11).

5. Deed 21671D, being a Deed to Georgina Mary Brown, registered the 31st day of March 1971, (pp 12-14).

6. Deed 24681D, registered March 9, 1972, being a sale of part of her lands, being Parcel 1, on the Registered Survey of Fred Cunningham, OLS, attached thereto, described by metes and bounds therein. A consent approval under the *Planning Act*, was signed by the Secretary-Treasurer of Committee of Adjustments, of the Corporation of the Town of Mount Forest, is also attached therein, (pp 15-23).

7. Decision/Order # 1533 of the Ontario Municipal Board, issued on November 12, 2002, under OMB Files PL020494, PL020662, PL020663, PL020783, (the "OMB Decision").

   This OMB Decision of the Ontario Municipal Board is included to provide support for the request by the Applicant that a Consent Certificate be issued for each of the Severed Lands and the Retained Lands, as it provides context and legal reasoning justification for such request. When a Land Division Committee receives an Application it must give as much consideration to the utility of the Retained Lands and its use as it does to the Severed Lands and its use. A consent to sever is a consent to subdivide. The remnant lot/retained lot must be considered in every Application, be it a Lot Addition or a New Lot. If a Consent was to be granted that approved a severed lot but left the remnant lot/retained lot as a legal lot that had no utility of purpose the Consent would not have been granted in the first place.

Section 53(1) of the *Planning Act* provides full guidance to your Committee to grant multiple Consents in an Application for Subdivision where your Committee determines "*a plan of Subdivision of Land is not necessary for the proper and orderly development of a Municipality*".

Section 53 (1) states as follows:

> An owner of land or the owner's agent duly authorized in writing may apply for a consent as defined in subsection 50 (1) and the council or the Minister, as the case may be, may, subject to this section, give a consent if satisfied that a plan of subdivision of the land is not necessary for the proper and orderly development of the municipality. 1994, c. 23, s. 32.

All the required parties, including owners within 60 metres of the subject lands, all agencies and authorized authorities, including the SCVA, will be notified of this Application within your circulation. Additionally the Retained Lot will be identified by the Consent Certificate as a legal lot created by the Planning Act Consent process, evidenced by a Consent Certificate contained within a fresh deed for that separate lot to be registered thereafter.

The Ontario Municipal Board has recognized the sum of $100.00 to be an appropriate sufficient sum associated with the presentation for the issuance of a separate Consent Certificate for the Retained Lot.

In addition we are therefore enclosing the following:

1. A cheque in the sum of $975.00, payable to *Treasurer of County of Wellington* for the issuance of a Consent Certificate for the Severed Lot.

2. A cheque in the sum of $100.00 for the issuance of a Consent Certificate for the Retained Lot.

3. A cheque in the sum of $220.00, issued to the Saugeen Valley Conservation Authority for their Conservation Review Fee.

As the Application Sketch consists of the original registered Plan prepared by OLS surveyor, Fred Cunningham, contained within Instrument # 24681D, registered March 9, 1972. All existing uses of the adjoining lands are residential. The Plan of Survey is sufficient to address all other Sketch detail requirements as set out on your Information Sheet.

Also enclosed with this letter is the list of names of all owners with addresses and postal codes as signed by the appropriate officer of The Township of Wellington North. We will have delayed sending this letter pending a response from The Township of Wellington North.

If you have any questions or concerns please do not hesitate to contact us.

We remain,

Yours truly,

**FALLIS FALLIS & McMILLAN**

Peter T. Fallis

PTF:mh
Encls.

Z:\A.GENERAL\14 GEN\BROWN, Georgina title problems\Letter to Cty of Wellington, Application (12Aug14).wpd