

DECISION

COMMITTEE OF ADJUSTMENT APPLICATION NUMBER B-6/12



The Committee, having had regard to the matters that are to be had regard to under Section 51(17) of the Planning Act, R.S.O. 1990, Chapter P.13, as amended, and having considered whether a plan of subdivision of the land in accordance with Section 51 of the said Act is necessary for the property and orderly development of the land, passed the following resolution:

"THAT in the matter of an application under Section 53(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, consent for easements and right-of-way over 106 Sunnylea Crescent, being,

- a) an easement over Part of Lot 29, Registered Plan 528 (Part 6 on a draft Reference Plan prepared by Black, Shoemaker, Robinson & Donaldson Ltd., project no. 00-3313-12, dated January 7, 2011), an easement with a width of 3.05 metres which runs along the right side lot line, for protection of an existing storm sewer lateral serving 100 Sunnylea Crescent,
- b) an easement over Part of Lot 28, Registered Plan 528 (Part 3 on a draft Reference Plan prepared by Black, Shoemaker, Robinson & Donaldson Ltd., project no. 00-3313-12, dated January 7, 2011), an easement with a width of 8.409 metres and an area of 48.2 square metres, for protection of an existing watermain serving 99 Sunnylea Crescent,
- c) a right-of-way over Part of Lot 28, Registered Plan 528 (Part 2 on a draft Reference Plan prepared by Black, Shoemaker, Robinson & Donaldson Ltd., project no. 00-3313-12, dated January 7, 2011), a right-way with a width along Sunnylea Crescent of 2.096 metres and an area of 8.5 square metres, to recognize an existing driveway serving 99 Sunnylea Crescent,

be approved, subject to the following conditions:

1. That prior to endorsation of the deeds, the servient tenement (106 Sunnylea Crescent, Part of Lots 28 and 29, Registered Plan 528), being Part 3 on the site plan, grants an easement approximately 4.22-metres (13.85 feet) to approximately 8.409-metres (27.59 feet) wide by approximately 5.15-metres (16.90 feet) to approximately 15.00-metres (49.21 feet) long, along Sunnylea Crescent and along the left side lot line, registered on title, in favour of the dominant tenement (99 Sunnylea Crescent, Part of Lot 28, Registered Plan 528, for the protection of an existing 38mm water, 150 storm and 150 sanitary laterals.
2. That prior to endorsation of the deeds, the servient tenement (106 Sunnylea Crescent, Part of Lots 28 and 29, Registered Plan 528), being Part 6 on the site plan, grants an easement approximately 3.05-metres (10.00 feet) wide by approximately 15.343-metres (50.34 feet) to approximately 21.37-metres (70.11 feet) long, along Sunnylea Crescent and the right side lot line, registered on title, in favour of the dominant tenement (100 Sunnylea Crescent, Part of Lot 29, Registered Plan 528, for the protection of an existing 150mm storm service lateral.
3. That prior to endorsation of the deeds, the servient tenement (106 Sunnylea Crescent, Part of Lots 28 and 29, Registered Plan 528), being Part 2 on the site plan, grants a right-of-way approximately 2.096-metres (6.88 feet) to approximately 2.98-metres (9.78 feet) wide by approximately 2.69-metres (8.83 feet) to approximately 5.15-metres (16.90 feet) long, along Sunnylea Crescent and along the left side lot line, registered on title, in favour of the dominant tenement (99 Sunnylea Crescent, Part of Lot 28, Registered Plan 528, for the protection of an existing driveway.

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APPLICATION NUMBER B-6/12



4. That prior to endorsonation of the deeds, the owner's solicitor of 106 Sunnylea Crescent, Part of Lots 28 and 29, Registered Plan 528, certifies that the easement (Part 3) in favour of 99 Sunnylea Crescent, Part of Lot 28, Registered Plan 528, has been granted and registered on title.
5. That prior to endorsonation of the deeds, the owner's solicitor of 106 Sunnylea Crescent, Part of Lots 28 and 29, Registered Plan 528, certifies that the easement (Part 6) in favour of 100 Sunnylea Crescent, Part of Lot 29, Registered Plan 528, has been granted and registered on title.
6. That prior to endorsonation of the deeds, the owner's solicitor of 106 Sunnylea Crescent, Part of Lots 28 and 29, Registered Plan 528, certifies that the right-of-way (Part 2) in favour of 99 Sunnylea Crescent, Part of Lot 28, Registered Plan 528, has been granted and registered on title.
7. That prior to endorsonation of the deeds, the owner of 106 Sunnylea Crescent, Part of Lots 28 and 29, Registered Plan 528, shall have an Ontario Land Surveyor prepare a reference plan identifying the easements and right-of-way.
8. That the documents in triplicate with original signatures to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for endorsement, prior to January 13, 2013.
9. That all required fees and charges in respect of the registration of all documents required in respect of this approval and administration fee be paid, prior to the endorsement of the deed.
10. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to endorsement of the deed, that he/she will provide a copy of the registered deed/instrument as registered in the Land Registry Office within two years of issuance of the consent certificate, or prior to the issuance of a building permit (if applicable), whichever occurs first.
11. That a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the severed parcel, any easements/rights-of-way and building locations. The submission must also include a digital copy of the draft Reference Plan (version ACAD 2010) which can be forwarded by email (cofa@guelph.ca) or supplied on a compact disk."

Members of Committee
Concurring in this Decision

I, Kimberli Fairfull, Secretary-Treasurer, hereby certify this to be a true copy of the decision of the Guelph Committee of Adjustment and this decision was concurred by a majority of the members who heard this application at a meeting held on January 10, 2012.

Dated: January 13, 2012

Signed:

Committee of Adjustment

The last day on which a Notice
of Appeal to the Ontario
Municipal Board may be filed
is February 2, 2012.

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