

DECISION

COMMITTEE OF ADJUSTMENT

APPLICATION NUMBER B-2/09



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 rights-of-way and easements for properties municipally known as 492-502 Edinburgh Road, South, 127 Stone Road, West, 151 Stone Road, West and 175 Stone Road, West are being requested as follows:

- a. to provide a mutual access from Stone Road, West over the following: (i) Part of Lot 9, Concession 3, Division 'G', being Parts 3, 4, 5 and 6, Reference Plan 61R-8728, save and except Part 18, Reference Plan 61R-10386; secondly Parts 16 and 17, Reference Plan 61R-10386 and thirdly Parts 16, 17 and 18, Reference Plan 61R-9884, subject to an easement in favour of the City of Guelph over Parts 2 and 3, Reference Plan 61R-8728 for storm and sanitary sewers and (ii) Part of Lots 8 and 9, Concession 3, Division 'G', designated as Parts 4, 5, 6, 9, 10, 11, 12 and 15, Reference Plan 61R-10386,
- b. to provide mutual access over 127 Stone Road, West, being Part of Lot 9, Concession 3, Division 'G', designated as Parts 1 and 2, Reference Plan 61R-8728, save and except Parts 16 and 17, Reference Plan 61R-10386, subject to an easement in favour of the City of Guelph over Part 2, Reference Plan 61R-8728 for storm and sanitary sewers,
- c. to provide mutual access over 492-502 Edinburgh Road, South, being Part of Lots 8 and 9, Concession 3, Division 'G', being Parts 1 to 3, Reference Plan 61R-6402, subject to an easement over Part 1, Reference Plan 61R-178 in favour of the Corporation of the City of Guelph as set out in LT57671 and subject to an easement in favour of Union Gas Limited as set out in RO753874,
- d. to provide mutual access over University Lands (future building fronting on Stone Road, West), being Part Lot 9, Concession 3, Division 'G' being Parts 19 to 22, Reference Plan 61R-10386,
- e. to provide mutual access over University Lands (future building fronting on Stone Road, West), being Part Lot 9, Concession 3, Division 'G' being Part 23, Reference Plan 61R-10386,
- f. to provide mutual access over 175 Stone Road, West, being Part of Lots 8 and 9, Concession 3, Division 'G', designated as Parts 3, 5, 6, 8, 9, 13 and 15, Reference Plan 61R-9884 and Part 18, Reference Plan 61R-10386, subject to an easement in favour of Union Gas Limited as in RO753874, subject to an easement in favour of the City of Guelph as in LT57671, save and except Parts 1 and 2, Reference Plan 61R-10579,
- g. to provide mutual access over 151 Stone Road, West, being Parts of Lots 8 and 9, Concession 3, Division 'G', designated as Part 14, Reference Plan 61R-9884 and Part 2, Reference Plan 61R-10579,

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be approved, subject to the following conditions:

1. There shall be no restrictions placed in any long-term lease arrangement for these properties that will prevent the sharing of parking facilities for existing or future development.
2. 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 16, 2010.
3. 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.
4. 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.
5. That a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries, any easements/rights-of-way and building locations. The submission must also include a digital copy of the draft Reference Plan (version ACAD 2000 – 2002) which can be forwarded by email (cofa@guelph.ca) or supplied on a compact disk."

Members of Committee
Concurring in this Decision

I, Kim 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 13, 2009.

Dated: January 16, 2009

Signed:

The last day on which a Notice
of Appeal to the Ontario
Municipal Board may be filed
is February 5, 2009.

Community Design and Development Services
Building Services

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