

DECISION

COMMITTEE OF ADJUSTMENT

APPLICATION NUMBERS B-4/18 & B-20/18



The Committee, having had regard to the matters 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 severance of Part of Lots 17 and 18, Registered Plan 98, Part 3 of Plan 61R-11338, a parcel with a width of 115.8 metres, a depth of 16.5 metres, and an area of 1,911 metres, as a lot addition to the abutting property known as 120 Westmount Road (Part of Lots 17 and 18, Registered Plan 98, Parts 1 and 2 of Plan 61R-11338), substantially in accordance with a sketch prepared by Van Harten Surveying Inc. dated February 8, 2018 and updated on September 10, 2018, project number 25557-18,

AND

THAT in the matter of an application under Section 53(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, consent to create a 205 square metre easement for servicing and right of way for pedestrian and vehicle access over Part of Lots 17 and 18, Registered Plan 98, Part 3 of Plan 61R-11338 along the location of the proposed sidewalk in favour of 120 Westmount Road (Part of Lots 17 and 18, Registered Plan 98, Parts 1 and 2 of Plan 61R-11338), substantially in accordance with a sketch prepared by Van Harten Surveying Inc. dated February 8, 2018 and updated on September 10, 2018, project number 25557-18,

be **APPROVED**, subject to the following conditions:

1. That prior to site plan approval and prior to undertaking activities which may injure or destroy regulated trees (whichever occurs first), the applicant shall prepare and submit a Tree Inventory and Preservation Plan (TIPP) in accordance with the City's Private Tree Protection By-law (2010-19058) to the satisfaction of the General Manager of Planning, Urban Design and Building Services.
2. That prior to the issuance of building permits or site alteration permits (whichever occurs first) and prior to undertaking activities which may injure or destroy regulated trees, the applicant shall erect tree protection fencing at one (1) metre from the dripline of any existing trees to be retained on the property, or on adjacent properties, which may be impacted in accordance with the approved TIPP and to satisfaction of the General Manager of Planning, Urban Design and Building Services.
3. That the applicant shall contact the City for an inspection(s) of the tree protection fence prior to any work commencing on the property.
4. That prior to issuance of the Certificate of Official, the owner provide a blanket easement for existing buried facilities to the satisfaction of Bell Canada.
5. 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 issuance of the Certificate of Official.
6. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to the issuance of the Certificate of Official, that he/she will provide a copy of the registered instrument as registered in the Land Registry Office within two years of issuance of the Certificate of Official, or prior to the issuance of a building permit (if applicable), whichever occurs first.
7. That prior to the issuance of the Certificate of Official, 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 deposited Reference Plan (version ACAD 2010) which can be forwarded by email (cofa@guelph.ca).

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8. That upon fulfilling and complying with all of the above-noted conditions, the documents to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for the issuance of the Certificate of Official. The Transfer documents for the severed parcel shall contain a statement to ensure that Section 50(3) or Section 50(5) of the Planning Act, R.S.O. 1990, as amended, shall apply to any subsequent conveyance or transaction with respect to the land described herein; and a statement that the severed parcel and the abutting lands to which this severed parcel is to be added shall be dealt with contemporaneously in any future conveyances or transactions unless further consent is granted under the Planning Act or other lawful order.
9. That the Owner shall consolidate the severed parcel with the abutting lands to which the severed parcel is to be added as a single parcel ("the consolidation") and that the Owner's solicitor shall provide a firm undertaking in writing to the Secretary-Treasurer of the Committee of Adjustment for the City of Guelph that the solicitor will attend to the consolidation and will provide within 30 days of the date of registration in the Land Registry Office for Wellington (No. 61), or prior to the issuance of a building permit [if applicable], whichever occurs first, a copy of the registered electronic Transfer document including the Certificate of Official and the registered application Consolidation Parcels document.
10. That the Transferee take title of the severed lands in the same manner and capacity as he or she holds his or her abutting lands; and that Section 50(3) or Section 50(5) of the Planning Act, R.S.O. 1990, as amended, shall apply to any subsequent conveyance or any transaction involving the parcel of land that is subject of this consent.

REASONS:

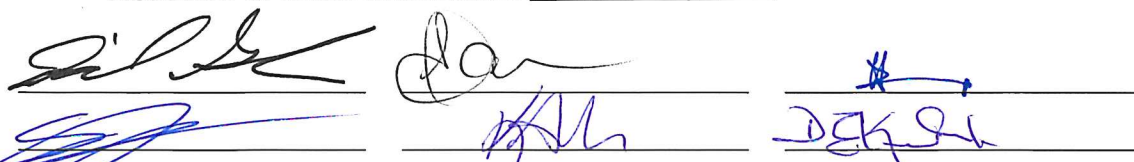
These applications are approved, as it is the opinion of the Committee that, with the above noted conditions of approval, these applications meet the criteria of section 51(24) of the Planning Act to which all consent applications must adhere.

Any and all written submissions relating to these applications that were made to the Committee of Adjustment before its decision and any and all oral submissions related to these applications that were made at a public hearing, held under the Planning Act, have been, on balance, taken into consideration by the Committee of Adjustment as part of its deliberations and final decision on this matter.

Important: Pursuant to Section 53(41) of the Planning Act, the applicant shall have a period of one (1) year from the giving of the Notice of Decision to fulfill all of the above noted conditions. If the applicant has not fulfilled all of the conditions within this time period, the application shall thereupon be deemed to be refused.

Deadline to fulfill conditions: October 30, 2019

Members of Committee
Concurring in this Decision



I, Trista Di Lullo, 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 hearing held on October 25, 2018.

Dated: October 30, 2018

Signed:



The last day on which a Notice of Appeal to the Local Planning Appeal Tribunal may be filed is November 19, 2018.

Committee of Adjustment

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